CHAPTER 179. ZONING.

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CHAPTER 179. ZONING.

ARTICLE I. General Provisions.

§179-1. Short Title.

This chapter shall be known and may be cited as the "City of Rensselaer, New York, Zoning Ordinance."

§179-2. Purpose.

A. The intent of this chapter is not to cause harm to property owners of Rensselaer. The intent is to encourage appropriate and orderly physical development; promote public health, safety, convenience and general welfare; classify, designate and regulate the location and use of buildings, structures and land for mixed use, residential, commercial, industrial or other uses in appropriate places; and, for said purpose, to divide into districts of such number, shape and area as may deemed best suited to carry out these regulations and provide for their enforcement.

B. This chapter is one of the key mechanisms for implementing the City's long-term planning goals which will guide development in Rensselaer to provide a balance of uses and open space throughout the City; to create residential neighborhoods close to recreation, employment and shopping opportunities; and to avoid the negative impacts of uncontrolled access and demands for inefficient expansion of public utilities.

C. These regulations are in accordance with the City's long-term planning goals and have been made with reasonable concern for the character of each district and their suitability for particular uses.

§179-3. Word Usage.

For the purposes of this chapter, all terms used in the present tense include the future tense. All terms in the plural number include the singular number, and all terms in the singular number include the plural number, unless the natural construction of the term indicates otherwise. The term "person" includes a firm, association, organization, partnership, trust, company or individual. The term "shall" is mandatory and directory. The term "may" is permissive. The term "used" includes the terms "designated, intended or arranged to be used."

§179-4. Definitions.

ADULT USE

Any establishment which excludes minors by reason of age and in which there is emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public. Such uses include, but are not limited to: adult bookstore, adult motion picture theater, adult massage parlors, adult entertainment cabarets, adult model studios, adult motels, and adult peep shows.

ALLEY

A narrow service street or passage less than 22 feet between properties or buildings.

ALTER

To change, rearrange, enlarge or decrease the structural parts or size or the exit facilities of a structure or to move a building from one location or position to another.

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts of a building or an enlargement, whether by extending on the front, rear or on a side, or by increasing the height, or the moving of such structure from one location or position to another.

ANCHORING

To temporarily secure a vessel to the bottom of water by dropping an anchor or anchors.

ANIMAL HOSPITAL

A facility providing animal medical care, run by a licensed Doctor of Veterinary Medicine (DVM). Animal hospitals allow overnight animal patients but are not boarding facilities.

APARTMENT

A room or suite of two or more rooms designed or used solely as a residence in a building not used as a hotel, rooming or boarding house or for other transient occupancy. The terms "apartment" and "apartment building" shall not be deemed to include a hotel, motel, automobile court, tourist home, furnished rooming house, dormitory, boarding home, convalescent home, rest home, nursing home or other accommodation used for transient occupancy. See Transient Occupancy.

APARTMENT COMPLEX

More than one apartment buildings, divided into three or more apartments, designed or used solely for residential purposes detached and grouped together on a single parcel.

ARCHITECTURAL FEATURE

A prominent or significant part or element of a building, structure or site.

AUTOMOBILE GRAVEYARD

A yard, field or other area used to store three (3) or more unserviceable, discarded, worn-out or junked motor vehicles, or parts of such vehicles. Automobile Graveyard does not include any area used for temporary storage, not exceeding six (6) months by an establishment or place of business which is primarily engaged in doing auto body repair work.

AUTOMOBILE SERVICE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories and which may or may not include facilities for the painting thereof by any means; any re-building, reconditioning or collision services involving frame and fender straightening or repair, or any dismantling or disassembly of frame and exterior parts is not an automobile service station.

AWNING

A movable ornamental roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

BANNER

A piece of cloth bearing a motto, legend or advertisement.

BAR

An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption during any period of the day as permitted by law. Such an establishment is subject to the regulatory authority of the New York State Liquor Authority. The incidental sale or provision of food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

BERTH

A place where a vessel may be secured to a fixed or floating structure and left unattended.

BERTHING AREA

The water area in which vessels are berthed.

BED AND BREAKFAST

An owner-occupied residence within which is rented to transient, paying customers, for a period of four or fewer continuous days, no more than four rooms, with a maximum occupancy of two persons per room, without cooking facilities in guest-occupied rooms and without food service, except meals served before 11:00 a.m. All bed and breakfasts are subject to regulations found in §179-26.

BILLBOARDS (SIGN ADVERTISING)

A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is primarily conducted, sold, or offered elsewhere than upon the premises on which such sign is located, or to which it is affixed.

BOARD OF APPEALS

The Zoning Board of Appeals of the City of Rensselaer as provided for in Article VIII of this Local Law.

BUFFER

A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

BUILDABLE AREA

The space remaining on a lot after the minimum open spaces requirements (coverage, yards, setbacks) have been met.

BUILDING

Any structure of more or less permanent construction, which is permanently affixed to the land, wholly or partially enclosed within exterior walls and a roof affording shelter to persons, animals, property or business activity.

BUILDING, ACCESSORY

A subordinate building, the use of which is incidental to that of the principal building, and located on the same parcel or lot (i.e. residential garage).

BUILDING, APARTMENT

Any structure divided into three or more individual apartments which share a common entrance and hallway.

BUILDING AND ZONING ADMINISTRATOR

That city employee within the Rensselaer Planning and Development Agency appointed by the Mayor and charged with responsibility for administrating and enforcing the Zoning Ordinance, as well as the City's Building Code, Housing Code and related regulations.

BUILDING, INDUSTRIAL

Any building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever.

BUILDING, NON-CONFORMING

A lawfully pre-existing building which in its design or location does not conform to the regulations of this chapter for the district in which it is located.

BUILDING, OFFICE

A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business, in part or in whole will be classed as an office building.

BUILDING, OPEN PARKING

See Parking Garage.

BUILDING, PRINCIPAL

A building in which is conducted the main use of the lot on which said building is located.

BUILDING, PUBLIC

Any building or structure used for municipal, civic, ecclesiastical, recreational or other purposes not used for enterprise.

BUILDING FRONTAGE

The width of a building facing a street or public parking lot; in the case of a corner lot, it may be either frontage at the option of the applicant. Where a mall exists, 'building frontage' shall mean that portion of the building perimeter facing a street or designated parking areas; in the case of two such perimeters, it may be either frontage at the option of the applicant.

BUILDING HEIGHT

The vertical dimension measured from the average elevation of the finished grade adjoining the exterior walls of a building to the highest point of the roof for flat roofs, to the deck-line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE

See Setback Line, as herein otherwise described.

BUILDING, MIXED-USE

Multi-story buildings which include both residential and commercial uses, integrated in a compatible fashion, generally with residential uses located on upper stories.

BUILDING PERMIT

That permit issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is located, and stating that all construction, relocation or extension of buildings are in compliance with the provisions of this Chapter, §1203.3(b) of the New York State Uniform Code, and with New York State Fire and Building Code and other Regulations.

BUILDING SITE

That portion of the lot or parcel of land upon which a building and appurtenances are to be placed or are already existing, including adequate areas for sewage disposal, clearances, proper drainage, appropriate easements, and, if applicable, the requirements of other chapters of the Code of the City of Rensselaer.

BULK AND USE REGULATIONS

The maximum size of a building and its location on a lot as defined by density and dimension standards viewed as appropriate for the specific zoning district.

BULKHEAD

A structure or partition to retain or prevent sliding of land into the water. A secondary purpose is to protect the upland from wave action.

BULLETIN BOARD

See Changeable-copy Sign.

CANDLE POWER

The unit for measuring the maximum intensity of light energy emitted by a directional lamp.

CANOPY

Any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which extends for the entire building frontage.

CARE HOME

See Residential Care Facility.

CARNIVAL

An amusement show, usually traveling from place to place, having sideshows, Ferris wheels, merry-go-rounds, games of skill or chance, etc.

CERTIFICATE OF APPROPRIATENESS

An approval of any plans for alteration, construction, removal or demolition of a historic structure or site within a historic district.

CERTIFICATE OF OCCUPANCY

Official certification that a premises conforms to the provision of the Zoning Law, Building Code, and other applicable regulations, and may be used or occupied.

CHURCH

See Place of Worship.

CITY

The City of Rensselaer, New York.

CLUB, MEMBERSHIP

Premises of an organization of persons who meet periodically to promote some non-profit social, educational, athletic, service or recreational objective and who cater exclusively to members and their guests.

CLUB, PRIVATE

A nonprofit social organization whose premises are restricted to its members and their guests.

CLUSTER DEVELOPMENT

A development pattern in which uses are grouped or “clustered” through a density transfer within a particular development, rather than spread evenly throughout a parcel as in conventional lot-by-lot development.

COMPREHENSIVE PLAN

A document or series of documents prepared by the Planning Commission and Planning and Development Agency setting forth policies for the future growth and development of the City. Such plan may be officially adopted by the Common Council.

CONTRACTOR'S YARD

An enclosed parcel of land, structure(s) or a combination thereof used for the storage of machinery, equipment and non-hazardous materials required for construction.

CONVERSION

A change in use or occupancy of a building, generally by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

CONVENIENCE STORE

A small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

COURT

An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

CULTURAL USE FACILITY OR MUSEUM

Any building, room or area with the capacity to hold one hundred (100) or more persons and designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, historic, academic or scientific material.

CURB LEVEL

The mean street grade established by municipal code or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

DAYCARE CENTER

A place other than an occupied residence providing or designed to provide daycare for seven or more persons on a regularly scheduled basis for more than three but less than 24 hours per day. Also see §390, 1(c) of the Social Services Law of the State of New York.

DEAD-END STREET

A street or portion of a street with only one vehicular traffic outlet.

DECIDUOUS

A plant with foliage that is shed annually.

DEED OR TRACT RESTRICTIONS

Legal language recorded in an instrument in the chain of title for a lot, which describes specifically limitations or restrictions on the use of the property.

DEMOLITION

The act or process of wrecking, completely destroying or removing an existing structure from a site.

DENSITY

The required land area for each dwelling unit (DU) within a given parcel of land, such as a minimum density of 2,000 square feet of land area for each dwelling unit.

DENSITY LIMIT RESTRICTIONS

The measure of the quantity of a particular use allowed at a particular location. The four basic measures include dwelling units per acre, minimum lot sizes, floor-area ratio (FAR), and maximum height restrictions.

DEVELOPABLE WATERFRONT LAND

Any waterfront property from which access to a waterway area can be achieved.

DEVELOPMENT

Any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within an area of special flood hazard.

DIRECTOR OF PLANNING AND DEVELOPMENT

The Director of the Rensselaer Planning and Development Agency, as appointed by the Mayor.

DISTRIBUTION CENTER

A building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail or other commercial outlets.

DISTRICT

See Zoning District.

DOCK

A structure projecting from or along the shore into the water of the Hudson River and including piers and wharfs used as a berthing place for boats to load or unload.

DOCK, PERMANENT

A fixed structure projecting from or along the shore into the water of the Hudson River that remains in the lake for more than eight months of the year, including docks and piers used as berthing places for boats.

DRIVE-IN ESTABLISHMENT

A premises constructed to cater to the motoring public, whether or not serving pedestrians as well as automobile trade, and used for the sale to the public of any product and providing curb or window service.

DRIVEWAY

A private road, drive or roadway giving access from a public way, road or highway to abutting grounds.

DRY-CLEANING FACILITY

An establishment used to clean articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal. A dry-cleaning facility includes the cleaning of fabric on site using the dry-cleaning process.

DRY-CLEANING OUTLET

An establishment used to collect and distribute articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal, at an off-site dry cleaning facility location.

DWELLING, SINGLE-FAMILY

A dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit. The dwelling can consist of a modular home, or a lumber-constructed home on a permanent foundation, cellar, or basement.

DWELLING, TWO-FAMILY

A building containing two dwelling units and used or intended to be used exclusively for occupancy by two families living independently of each other, or two single-family dwellings having a party wall in common.

DWELLING, TOWNHOUSE

A multifamily project of single-family dwelling units, which may consist of one or more buildings sharing party walls, wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided. Although units share party walls, each unit is situated on a different parcel of land.

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete, separate, independent housekeeping facilities for only one family and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other “dwelling unit.” A dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a "dwelling unit." Full kitchen and bathroom.

DWELLING UNIT, ACCESSORY

A self-contained housing unit incorporated within or detached from an owner occupied single-family dwelling that is clearly a subordinate part of the single family dwelling and complies with the regulations found in §179-33.

EASEMENT

The authorization by property owner for use by another, for a specified purpose, of any designated part of such property by legally recorded instrument.

ENGINEER or LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

EMPLOYEES or NUMBER OF EMPLOYEES

For the purpose of determining off-street parking requirements, the greatest number of persons to be employed or capable of employment during any one work period during day or night.

FAMILY

One person, or a group of two or more persons, living and cooking together in the same dwelling unit as a single housekeeping entity. A roomer, boarder, lodger or occupant of supervised group quarters shall not be considered a member of a family.

FAMILY DAYCARE HOME

An occupied family residence providing day care for three to six children for more than three hours per day. See §390, 1(e) of the Social Services Law of the State of New York.

FENCE

A structure bounding an area of land designed to either limit access to the area or to screen such area from view, or both. The term “fence” shall include tennis court enclosures, backstops, and similar structures.

FINAL PLAT

A drawing, in final form, containing all information or details required by law and by these regulations to be presented to the Planning Commission for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the City Clerk.

FLAG

Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

FLAG LOT

Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land, and the largest portion of the lot is situated behind adjoining lots which front on a public or private street.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water; or abnormally high tidal water or rising lake waters resulting from severe storms, hurricanes or tidal waves.

FLOOD BOUNDARY

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "Flood Boundary and Floodway Map" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD, ONE HUNDRED YEAR

The flood elevation that has a 1- percent chance of being equaled or exceeded each year (the 100-year flood could occur more than once in a relatively short period of time).

FLOOD PLAIN

Maximum area of the floodplain that, on the average, is likely to be floodeqd once every 100 years (i.e., that has a 1% chance of being flooded every year). See also Flood Fringe.

FLOOD INSURANCE RATE MAP

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevations of the base flood.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

FLOOD FRINGE

Maximum area of the floodplain that has a one percent chance of being flooded every year.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOOR AREA

The sum of the gross horizontal area of the floor or floors of a building as measured from the centerline of walls separating two buildings. Floor space shared in common with other dwelling units or used for storage purposes or the operation and maintenance of the building shall not be included in computing floor area.

FLOOR AREA, LIVABLE

The sum of the gross horizontal area of a dwelling unit measured from the exterior walls or from the center of a party wall, excluding roof, cellar, and garage. "Livable floor area" shall include spaces such as utilities rooms, bathrooms, closets, hallways, and attic space having a clear height of at least six (6) feet from the finished floor level to pitch of roof rafter, with a clear height of seven (7) feet six (6) inches from the finished floor level to the ceiling level over fifty percent (50%) of the area of such attic space.

FLOOR AREA RATIO

The ratio between total floor area permitted in any district and the total site area. The floor area of the building considered for the computation of floor area ratio shall be restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included in the computations. Where the ground level changes a full story height or more along a building facade, the floor area of such

story shall be prorated in proportion to the average story height above grade. Total site area shall be the entire site within the property lines of any development.

FRONTAGE

That side of the lot nearest the street. A corner lot shall be considered to have two (2) such "frontages."

FUELING STATION

See Motor Vehicle Service Station.

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, DETACHED RESIDENTIAL

A building or indoor space in which to park or keep a motor vehicle which is disconnected from the primary structure and surrounded completely or partially by open space. See also Building, Accessory.

GARAGE SALE

The sale of personal property conducted in or near a residence, under cover or partially under cover or completely outside of any building, in the open. The term shall include garage sales, lawn sales, porch sales, patio sales, rummage sales or other similar sales which are advertised by a sign or other means, for the public to attend. Garage sales shall not include sales in commercially zoned areas or industrially zoned areas of the City.

GASOLINE SELF-SERVICE STATION

See Motor Vehicle Service Station.

GRADE, ESTABLISHED STREET

The permanently established elevation of the center line of a street in front of the midpoint of the lot.

GRADE, FINISHED

The elevation at which the finished surface of the surrounding lot intersects the walls and supports of a structure.

GREENHOUSE, COMMERCIAL

Any building or structure used as a conservatory for the growing and protection of flowers and plants and for the propagation and culture thereof.

GREENSPACE

Any non-impervious vegetated surface.

HEIGHT, FINISHED

The vertical distance measured from the mean elevation of the finished grade along the side of the building with the lowest finished grade to the highest point on the coping of flat roofs, to the deck line of mansard roofs and the average height between eaves and ridge for gable, hip and gambrel roofs, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

HOME OCCUPATION

A profession or other occupation customarily conducted within a dwelling by one or more members of the family residing therein and clearly incidental, accessory and secondary to the residential use of the property. An occupant must be the principal practitioner of the home occupation. Home occupations should not be deemed to include telecommuters. Home occupations are subject to the regulations found in §179-25.

HOMELESS SHELTER

An establishment primarily engaged in providing temporary or transitional residential care, room, board, supervision, information and/or referrals to homeless persons voluntarily seeking such service.

HOMEOWNER'S ASSOCIATION

An organization of residential property owners residing within a particular development who contractually agree to provide, reserve and maintain commonly owned facilities and/or open space, in accordance with New York State Law.

HOTEL/MOTEL

A building or group of buildings other than a boardinghouse or tourist home in which there are rental sleeping rooms, and which may also include dining rooms, kitchen serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of patrons.

IMPERVIOUS COVERAGE

The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways, sidewalks, patios, or parking areas.

INDUSTRY

The storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, including the operation of commercial garages.

INDUSTRY, LIGHT

See Manufacturing, Light.

INDUSTRY, HEAVY

See Manufacturing Operations.

INN

A commercial facility for the housing and feeding of transient occupants, containing more than five rooms and less than 15 rooms. The facility may have an ancillary use such as a restaurant or bar.

KENNEL

The term "kennel" includes both of the following:

A. Any establishment for the boarding, training, or breeding of dogs or cats for which a fee is charged. Such establishments may include incidental grooming or sale of pet supplies.
B. Any lot smaller than one acre where four or more dogs, not including dogs under six months of age, are kept for any purpose. Owning and/or keeping four or more dogs as described is regulated the same way as a commercial kennel, even if it is a personal activity and is not done for money.

LANDSCAPED AREA

That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded or provide similar vegetative or landscaped cover, including ponds.

LANDSCAPING

Materials, including without limitation grass, ground cover, shrubs, vines, hedges or trees and nonliving natural materials commonly used in landscaped development.

LAND SURVEYOR

A person licensed as a land surveyor by the State of New York.

LAUNDROMAT

See Laundry, Self-serve.

LAUNDRY, SELF-SERVE

A business that cleans clothing or which is equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers. Use may or may not include a Dry Cleaning Outlet.

LETTER OF CREDIT

A security which may be accepted as a guaranty of a requirement that certain improvements be made before the Zoning Officer issues a certificate of occupancy, including escrow agreements and other similar collateral and surety agreements acceptable in form and amount to the Municipal Attorney and Municipal Engineer and approved by the Common Council.

LOGO

Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

LOT

Land occupied or to be occupied by one principal building and its accessory buildings or by a group of principal buildings that are united by a common interest, use or ownership, together with such open spaces as are required under the provisions of these regulations, having not less than the minimum area and width required by this chapter.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street right-of-way lines is the "corner".

LOT, NON-CONFORMING

Any zone lot in single ownership, where the owner of said lot does not own any adjoining property the subdivision of which could create one or more conforming lots, which does not conform with the minimum area and/or dimensions required in the zone district where such a lot is situated.

LOT ALTERATION

Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or resubdivision as defined herein, where there is no increase in the number of lots and no reconfigured lot is in excess of 10,000 square feet in area.

LOT AREA

An area of land, which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

LOT COVERAGE

The aggregate percentage of the lot area covered by buildings or structures as measured by the vertical projection to the ground of their greatest outside dimensions excepting the three feet nearest to the building of any cornice, open entrance hood or overhanging roof, each of which is anchored to the building without posts.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT LINE

The established division line between different parcels of property.

LOT WIDTH

The mean width measured at right angles to the front lot line or, for wedge-shaped lots, flag-shaped lots or lots with side boundary lines not perpendicular to the front lot line, the width measured at the required minimum front setback.

MAJOR STREET

A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any sized subdivision requiring any new street or extension of municipal facilities.

MANUFACTURED HOME

A structure consisting of a steel frame that has been partially or entirely constructed at another location and moved onto a manufactured home park property. Constructed under a federal building code administered by the Department of Housing and Urban Development (HUD) that went into effect June 15, 1976. Also commonly known as a “Mobile Home.”

MANUFACTURED HOME PARK

A parcel of land where two or more manufactured homes are parked or which is planned and improved for the placement of manufactured homes by the public.

MANUFACTURING, LIGHT

A facility which manufactures, designs, assembles, or processes a product for wholesale or retail from previously prepared materials, parts, or finished products. Such operations are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to

commercial and residential areas than are Manufacturing Operations. Light manufacturing operations have limited external effects of the manufacturing or assembly process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices. Also includes machine shops, which are buildings used for the purpose of fabricating metal parts for various applications.

MANUFACTURING OPERATIONS

Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials. These uses are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions, all of which are subject to the performance standards found in §179-59. Manufacturing processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

MARINA

Any arrangement of piers, slips, mooring piles, wharves or buoys emplaced in the water and on abutting land and which is intended to be used for the berthing, storing, mooring, securing, servicing, repairing, selling or trading, or renting of vessels and is not a private or community pier and mooring.

MARQUEE

Any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which does not extend along the entire building frontage.

MASSING

The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space and nearby structures and natural features such as trees.

MAXIMUM PERMITTED OCCUPANCY

The maximum number of persons allowed in an assembly structure or portion thereof as determined by the City of Rensselaer Code Enforcement Office.

MINOR SUBDIVISION

Any subdivision which contains not more than four lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the City of Rensselaer, or these regulations.

MIXED-USE

A development or redevelopment that allows for more dense development in a single structure or lot and includes a mixture of uses, including, but not limited to residential, commercial and industrial. A typical mixed-use structure would have retail or offices on the first floor and offices, residences, and/or studios on the upper floors.

MOBILE HOME

See Manufactured Home.

MODULAR HOME

Any home constructed of pre-made parts and unit modules that are transported on a flatbed truck from the factory to the building site where they are permanently anchored onto a foundation. Modular homes are subject to the local building codes where they are constructed. Modular homes are subject to the regulations of whichever style of home they are designed to be, i.e. single-family home, multi-family home, etc.

MOORING

Mooring includes, but is not limited to:

(1) A place where vessels are secured, other than a pier;
(2) A chain, line, or other device by which a vessel is secured in place and which is not carried aboard the vessel as regular equipment when underway; or
(3) The process of securing a vessel by means of chains, lines or other devices as described in (2), above.

MOSQUE

See Place of Worship.

MOTOR VEHICLE REPAIR

See Motor Vehicle Service Station.

MOTOR VEHICLE SALESROOM

Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises.

MOTOR VEHICLE SERVICE STATION

The on-premises repair, maintenance, improvement and general servicing of self-propelled vehicles, including gasoline service stations, car wash facilities, body and fender shops, self-service gas pumps and any and all types of similar facilities, whether automatic or attendant managed.

MOTOR VEHICLE WRECKING

The dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

MULTI-BUILDING PLANNED DEVELOPMENT

Multifamily residential developments proposed to consist of more than one principal building on one parcel of land.

NEIGHBORHOOD

A residential development or mixed-use development where the primary use is residential housing.

NIGHTCLUB

Any room, space, or premises operated as a commercial establishment in which eating and/or drinking takes place, where alcoholic beverages are served subject to the regulatory authority of the New York State Liquor Authority, and where the provision of entertainment is the primary activity. Entertainment includes music by a live musician or musicians, or any mechanical, electronic, or other means such as records, laserdiscs, audio, video, or other audio or audio-visual means, including operation as a motion-picture theater; acting, play performances, theater performances, dinner theater, revue pantomime, scene, dance, act, or song-and-dance act participated in by one or more employees, guests, customers, or other person or persons; or dancing by guests, customers, or any other person or persons. Background music, provided in accord with the City's Noise regulations shall not be considered as a form of entertainment. Synonyms include: club; nightspot; disco; social establishment; cabaret; dinner theater.

NON-CONFORMING LOT or PARCEL

A lot or parcel that does not conform to the present dimensional requirements of this ordinance, including parking, but existed and was lawful at the time it was created and/or developed.

NON-CONFORMING STRUCTURE

A structure that existed and was lawful at the time it was constructed or laid out, but would not be lawful under the requirements of this ordinance.

NON-CONFORMING USE

A use that existed and was lawful at the time it was initiated, but would not be lawful under the requirements of this ordinance.

NONPROFIT ORGANIZATIONS

Includes but is not limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, church auxiliary organizations, student groups and parent-teacher organizations.

NURSING HOME

See Residential Care Facility.

NURSERY SCHOOL

Premises which operate on a regular basis to provide daytime care or instruction for five (5) or more children under six (6) years of age. The term nursery school shall include kindergarten, day nursery, day care center and family day care.

OPEN SPACE

An area or areas of a lot, including required yards, which are:

A. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.
B. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation.

C. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

OPEN SPACE, COMMON

An area of land and/or water within a site designed and intended for the use of enjoyment of residents of a planned development. Common open space may contain such accessory improvements as are necessary and incidental to the use of the common open space by the residents of the planned development.

OPERATOR

Refers to the person who operates or has charge of the navigation or use of a vessel.

OUTPATIENT HEALTH CENTER

A small private or public health facility that is devoted to the care of outpatients.

OVERLAY ZONE

An additional layer of regulations related to a specific environmental or historical constraints such as floodplain boundaries, historic landmarks, historic structures, or wetlands that supersede the restrictions of the underlying zoning district.

OWNERS' ASSOCIATION

An incorporated, nonprofit organization operating under recorded land agreements through which each lot and/or homeowner in a planned development or other described land area is subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property.

PAD

A building site prepared by artificial means, including grading, excavation or filling or any combination thereof.

PARABOLIC OR DISH-TYPE ANTENNA

Any concave, circular or dish-shaped device designed for receiving communication or television signals.

PARKING AREA or LOT

Any place, lot, parcel, or yard used in whole or in part of storing or parking four (4) or more motor vehicles under the provision of this ordinance.

PARKING GARAGE

A multi-story structure, unenclosed in whole or in part, publicly or privately operated, designed for the parking of automobiles.

PARKING SPACE or OPEN PARKING BUILDING

An area intended for use as an accessory off-street parking facility not less than 8 feet in width or less than 20 feet in length, having a clear height of not less than seven feet.

PARKWAY

A narrow strip of open space surrounded by streets on all sides and generally intended for use in a smaller neighborhood.

PERFORMANCE BOND

A financial tool used to guarantee that in the event of a developer or contractor's default, funds are available to finish the construction of a site improvement or infrastructure installation and ensure its proper functioning.

PERSON

An individual, proprietorship, partnership, corporation, association or other legal entity.

PERSONAL STORAGE FACILITY

Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property.

PERMITTED USE

A specific use, to which land, lots, buildings or structures may be used, occupied or maintained under this Local Law as a matter of right.

PETITION

Any request made in writing.

PIER

See Dock.

PLACE OF WORSHIP

A building and, where applicable, its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNING COMMISSION

The officially established Planning Commission of the City of Rensselaer.

PLANNED DEVELOPMENT

A structure or group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative, and which has certain facilities in common such as yards, open space, recreation areas, garages and parking facilities. Planned Developments are subject to the rules and regulations found in §179-22 of this chapter.

PLAT

A map, drawing, or rendering of a subdivision that usually contains narrative elements.

PRELIMINARY PLAT or PLAN

A drawing or drawings, clearly marked ‘preliminary plat” or “preliminary plan”, showing the significant features of a proposed subdivision, as specified in Article VII of this chapter, submitted to the Planning Commission for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Commission of the layout of the proposed subdivision.

PREMISES

A lot together with all the structures and uses thereon.

PRINCIPAL BUILDING OR USE

The main or primary building or use on a lot.

PROHIBITED USE

Any use which is not listed as a permitted, special, or accessory use in the Schedule of Use Regulations shall be considered a "prohibited use" under this Local Law.

PROPERTY LINE

See Lot lines.

PUB

See Bar.

PUBLIC PARK

See Open Space.

PUBLIC UTILITIES

Any facility or related equipment, including but not limited to all lines, pipes, transformers, poles, etc., performing an essential public service and subject to special governmental regulation. Nonessential components of public utility operations, such as general storage and maintenance facilities, are excluded from this definition.

PUBLIC WAY

All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, and parks, as well as the interior and areas surrounding public buildings.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading preparatory to the construction of a building or highway construction.

RECREATION, INDOOR COMMERCIAL

Business primarily devoted to the amusement of the general public such as bowling alleys, indoor amusement arcades and health clubs. Incidental food service is also included.

RECREATIONAL AREA

A space designed and used for active and passive participatory athletic and general recreation activities.

REFLECTIVE SURFACE

Any material or device which has the effect of intensifying reflected light, such as Scotchlite (trademark), Dayglo (trademark) or glass beads.

RESIDENTIAL CARE FACILITY

A building or portion thereof wherein the owner and/or proprietor is compensated for furnishing lodging and varying amounts of custodial care to three or more persons by reason of them being elderly, handicapped, bedfast, chronically ill, impaired, convalescing and/or needing such care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury and/or providing surgical and obstetrical services or asylums for the insane. This term includes boarding and rooming houses for aged people, nursing homes, homes

for adults (rest homes), homes for the aged and handicapped, convalescent homes for children, homes for the elderly, homes for prenatal care and the like.

RESTAURANT

As defined by the New York State Liquor Authority under ABCL §3(27), "Restaurant" shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a chef with the necessary help, and kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" shall mean the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this subdivision contained, however, shall be construed to require that any food be sold or purchased with any beverage.

RETAIL, GOODS, AND SERVICES

Any building or structure in which one or more articles of merchandise, commerce or services are provided, including, but not limited to, department stores, banks, salons, insurance sales, clothing and accessory stores, grocery stores, pharmacies, and boutique/gift shops. Such uses, as permitted by the Bulk and Use Tables, may include an individual business, a building with multiple businesses, or a parcel with multiple retail buildings.

RIGHT-OF-WAY

A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

RIPRAP

A layer, facing or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment.

ROW HOUSE

See Dwelling, Townhouse.

SALVAGE YARD

See Junk Yard.

SANDWICH SIGN

See A-frame Sign.

SCHEDULE OF USE REGULATIONS

The controls which enumerate the permitted principal, permitted accessory and special uses within each of the districts established by this Local Law.

SCHOOL

A public elementary school, public middle school, public high school and also a private school having a curriculum equivalent to and substantially the same as a public school, but not including

any day nursery, or private business or trade school operated for profit, such as barber or mortician or similar school.

SCRAP METAL PROCESSING

The treatment or storage of fragments of metal discarded as waste in manufacturing operations, or machines, tools or equipment, or other metal parts.

SEATS

For the purpose of determining off-street parking requirements, the seating capacity of a particular room or a hall in a building, as determined by the specifications and plans, whether fixed or removable seating; in the event that individual seats are not provided, each 20 inches of benches, bleachers, pews or similar seating accommodations shall be considered as one seat for the purpose of this chapter.

SENSITIVE AREAS

Areas that include features such as steep slopes, wetlands, floodways, forests and unique habitat.

SETBACK LINE

The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line, not including cornices or open entrance hoods anchored to the building without posts, which do not project more than three feet from the building wall, nor retaining walls and fences, nor open entrance steps, nor open terraces not more than two feet in height above the finished grade and which do not project more than six feet from the building wall. Setback requirements, as listed in the Bulk and Use Tables, apply to the location of buildings, not driveways, parking areas, or other landscaping treatments.

SETBACK, MINIMUM FRONT

The least required horizontal distance between the front lot line, or in instances where sidewalks are present or required from the interior sidewalk edge, and the principal building measured at the shortest point. On waterfront lots which border water on one or more lot lines, the lot line on the road front is considered the principal front lot line.

SETBACK, REAR YARD

The least required horizontal distance between the rear lot line and the principal building measured at the closest point.

SETBACK, SIDE YARD

The least required horizontal distance between the side lot line and the principal building measured at the closest point.

SHED

Any enclosed building, 200 square feet or less, and not intended for habitation.

SHOPPING CENTER

A grouping of retail and service uses providing a wide range of such uses, including apparel and/or home furnishings.

SIDEWALK RETAIL

Retail displays located on sidewalks in the public right-of-way that are clearly accessory to, or a promotion of, the use located in the abutting building.

SIGN

Any structure, natural object or part thereof, device or inscription represented on any land or the outside of any building which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numbers, emblems, symbols, models, banners, flags, pennants, insignias, trademarks, devices or representation used as or which is in the nature of an announcement, direction, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry or public performance.

SIGN AREA or SIGN SURFACE AREA

The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall be included.

SIGN PERMIT

No sign shall be hereafter erected, placed or maintained at any place in the City of Rensselaer except as provided Article IV and only after a permit therefore has been obtained in compliance with the provisions of Article IV, unless stated otherwise.

SIGN, A-FRAME

A portable sign with two or more steeply angled sides.

SIGN, AWNING

Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE-COPY

A sign or portion thereof with character, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

SIGN, BUILDING DIRECTORY

A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

SIGN, BUSINESS IDENTIFICATION

A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted, other than incidentally, on the premises upon which such sign is located or to which it is affixed.

SIGN, DIRECTIONAL

Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance” and “exit.”

SIGN, FASCIA

See Wall Sign.

SIGN, FREESTANDING

A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, GRAPHIC

A sign, which is an integral part of a building façade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade.

SIGN, GROUND

See Freestanding Sign.

SIGN, HANGING

See Perpendicular Sign.

SIGN, HOLIDAY DECORATION

Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

SIGN, ILLUMINATED (DIRECTLY)

A sign designed to give forth artificial light directly from a source of light within such a sign.

SIGN, ILLUMINATED (INDIRECTLY)

A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

SIGN, MOBILE

See Portable Sign.

SIGN, NEIGHBORHOOD IDENTIFICATION

A sign specifically used to identify a particular neighborhood, block or development.

SIGN, NON-CONFORMING

Any lawfully pre-existing sign that does not meet the requirements of this article.

SIGN, OBSOLETE

A sign that advertises a non-existent product, place or event.

SIGN, PERPENDICULAR

Any sign which is installed perpendicular to the street upon which the building fronts. This definition shall include side wall mounted wall signs, perpendicular hanging building signs, freestanding signs and pole signs.

SIGN, PLAZA DIRECTORY

A sign listing the tenants or occupants of a commercial plaza and that may indicate their respective professions or business activities.

SIGN, POLE

A sign that is mounted on a freestanding pole or other supports.

SIGN, POLITICAL

A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or caucus.

SIGN, PORTABLE

A sign, whether on its own trailer, wheels or otherwise designed to be mobile and not structurally attached to the ground, a building, a structure or another sign.

SIGN, ROOF

A sign that is mounted upon the roof of a building.

SIGN, SEE-THROUGH LETTERED

Letters on a sign with transparent background, such as lettering on a window.

SIGN, SURFACE AREA

The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included as surface area of such sign.

SIGN, TEMPORARY

A temporary sign is a sign erected for a limited time and is not permanently affixed to the ground, a building or other fixed object or surface. Temporary signs include, but are not limited to contractors signs, realty sales or rental signs, special event signs, banners for charitable events or residential event signs.

SIGN, TENANT IDENTIFICATION

A sign designed or intended to identify a tenant, occupant or establishment.

SIGN, VEHICLE

Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

SIGN, WALL

A sign attached to and erected parallel to the face of a building and supported throughout its length by such building.

SIGN, WINDOW

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

SIGN, TEMPORARY WINDOW

A window sign not permanently affixed that does not identify the tenant, occupant or establishment and is limited to a maximum use of 120 days.

SINGLE OWNERSHIP

Possession wherein the owner does not own adjoining vacant property.

SITE PLAN

That map or drawing and related information submitted for review by the Planning Commission in accordance with the requirements and procedure specified in Article VII of this Local Law.

SITE PLAN REVIEW

The process by which the Planning Commission reviews site plans for development to ensure compliance with the Comprehensive Plan, zoning code and other land development regulations.

SPECIAL USE

A use which is deemed desirable for the public welfare within a given district or districts, but which is potentially incompatible with other uses provided therein. The use shall be therefore subject to approval by the Planning Commission and to conditions set forth for such use as well as the other applicable provisions of this Local Law.

SPECIAL USE PERMIT

A permit provided by the Planning Commission for a use requiring review, for uses that are not permitted expressly in a district but are listed as requiring a special use permit, subject to the requirements of §179-24.

STACKING SPACE

An on-site queuing lane for motorized vehicles, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

STAND

Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles and is used for the display, storage or transportation of articles offered for sale by a vendor.

STORY

That portion of a building between the surface of any floor and the surface of the floor next above, and any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement or cellar shall not be counted.

STORY, HALF

A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property. Includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

STREET, COLLECTOR

A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

STREET, MAJOR

A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

STREET, MINOR

A street intended to serve primary access to abutting properties.

STREET LINE

The established boundary lines of the right-of-way of a street, alley or public thoroughfare.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The width of the right-of-way, measured at right angles to the centerline of the street.

STRINGCOURSE

A horizontal band (such as bricks) in a building forming a part of the design.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE

A static construction of materials, the use of which requires a temporary or permanent fixed location on the ground or attachment to an object having such fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, signs, and mobile dwellings.

SUBDIVIDER

Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessee or building development, and shall include resubdivision.

SUBDIVISION

The legal division of any tract of land into two or more lots, plots, sites or other divisions of land for any purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include resubdivision.

SWIMMING POOL, PRIVATE

Any receptacle for water having a depth at any point of more than two feet, or having a surface area exceeding 250 square feet, which is intended for recreational purposes, and including all appurtenant decks, walks and equipment constructed, installed and maintained in or above the ground outside of the principal structure to which the pool is accessory. Private swimming pools are subject to the regulations found in §179-32.

SWIMMING POOL, PUBLIC

A publicly or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

SYNAGOGUE

See Place of Worship.

TAVERN

See Bar.

THEATER

A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

TELECOMMUTE

Performing job-related requirements using telecommunications to transmit data and textual messages to the central organizational office without being physically present.

TEMPORARY OUTSIDE SALES

Selling of retail items outdoors for a limited amount of time for events such as sidewalk sales, open markets, art displays, and festivals.

TENANT

An occupant who temporarily holds or occupies land, a building or other property owned by another.

TOWNHOUSE

A multifamily project of single-family dwelling units, which may consist of one or more buildings, attached or detached, wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided. Although units share party walls, each unit is situated on a different parcel of land.

TOWNHOUSE, PARENT PARCEL

A lot which is subdivided into privately owned parcels with common areas to create a project of townhouse or townhome units, which may consist of one or more buildings, attached or detached.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A development pattern that caters to the pedestrian requiring a walkable scale and a mix of residential and commercial uses similar to a traditional village or city.

TRANSIENT OCCUPANCY

Occupancy of residential premises for a term of up to three weeks, on two or more occasions during any six-month period, and not including so-called tourist camps or tourist cabins.

TRAVEL TRAILER

A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses and not for year-round living.

USE

The specific purpose or activity, for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY

A use clearly incidental and subordinate to the principal use whether located in a principal or accessory building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

USE, INDUSTRIAL

See Industry, Manufacturing, Light, or Manufacturing Operations.

USE, NON-CONFORMING

A use of a building or of land that does not conform to the use regulations of the district in which it is situated, which use existed and was lawful at the time of the adoption of this chapter. The term "non-conforming use" shall include uses previously permitted as a matter of right and subsequently permitted only by special use permit.

USE, PRINCIPAL

The main use for which a building or lot is used or intended to be used.

USE, PUBLIC

Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

A. Places of worship, cemeteries, parish houses and convents.
B. Public parks, playgrounds and recreational areas when authorized or operated by governmental authority.
C. Nursery schools, elementary schools, high schools, colleges or universities having curriculum approved by the Board of Regents of the State of New York.
D. Public libraries and museums.
E. Nonprofit fire, ambulance and public safety buildings.

USE, SEMI-PUBLIC

Partially but not entirely open to the use of the public.

USE, SERVICE

Uses which provide skilled professional labor to consumers including insurance offices, restaurants, financial services, business-to-business consulting, and other similar services.

USE, TEMPORARY

Any activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

VARIANCE

A modification of the use and/or area and bulk regulations of this chapter in an individual case where, due to specific facts and conditions peculiar to a particular property, literal application and strict enforcement would result in undue and unnecessary hardship or practical difficulty that would deprive the owner of reasonable use of the land or structures. Such unnecessary hardship or practical difficulty shall not be construed to include mere inconvenience or a desire to make more money.

VARIANCE, AREA

A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location or design of access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

VARIANCE, USE

A variance from the use regulations to allow the establishment on a specific lot of a use

otherwise prohibited in the district.

VENDOR

Any individual, including an employee or agent of a group of individuals, partnership or corporation, who sells or offers to sell food, beverages, goods or merchandise on any public way from a pushcart, stand, motor vehicle, or from his or her person.

VESSEL

Every watercraft that is used, or capable of being used, as a means of transportation on water or ice. Vessel includes the motor, spars, sails and accessories of a vessel. Vessel shall also include barges.

VETERINARY CLINIC

See Animal Hospital.

WAREHOUSE

A building designed or used for the storage of merchandise, furniture or other commodities.

WATERWAY

Any water area providing access from one place to another, primarily a water area providing a regular route for water traffic.

WHOLESALE

The buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices, freight distribution centers, large storage facilities and the use of delivery trucks in the routine operation of the business.

WINDOW AREA

The total area of any single windowpane or series of windowpanes separated by mullions.

YARD

An open space on the same lot with a building or building group lying between the closest point of the front, rear, or side wall of a building and the nearest lot line, unoccupied and fully open to the sky, except as otherwise provided by the specific provisions of this Local Law.

YARD, FRONT

An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the extreme front line of the building and front line of the lot. Covered porches shall be considered as part of the main building and shall not project into a required front yard, whether enclosed or unenclosed. The front yard depth or front setback requirement for corner lots shall be applied to both frontages.

YARD, REAR

An open space on the same lot with a main building, unoccupied except as hereinafter otherwise permitted, extending the full width of the lot and situated between the rear line of the lot and the extreme rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there is an alley, and the rear line of the building.

YARD, SIDE

An open space unoccupied and unobstructed by buildings or structures from the ground to the sky except for landscaping, fencing, walls, driveways or parking located on the same lot with a main building situated between the side line of the building and an integral projection therefrom the adjacent side line of the lot line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

ZONING BOARD OF APPEALS

The officially established Zoning Board of Appeals of the City of Rensselaer.

ZONING DISTRICT

The classification of lands as established in this chapter and by the zoning map.

ZONING MAP

The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this Local Law.

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ARTICLE II. Zoning Districts Established.

§179-5. Zoning districts.

A. For the purposes of this chapter, the City of Rensselaer is hereby divided into the following zoning districts:

R-1	Single Family Residential
R-2	Residential, High Density
C-1	General Commercial
MU-1	Downtown Mixed-Use
MU-2	Waterfront Mixed-Use
I-1	Light Industrial
I-2	Industrial
OS	Open Space and Conservation
PDD	Planned Development District
HOD	Historic Overlay District

§179-6. R-1 Single Family Residential.

A. Purpose and intent. The purpose of the Single Family Residential (R-1) is to promote owner occupied buildings and provide for areas within the City of Rensselaer that encourage lower-density residential property development. Further, it is the intent of this district to:

(1) Encourage development and continuous use of lands for single-family homes that keep in character with existing neighborhoods located within these portions of the City.

(2) Maintain a sustainable approach to residential development and the associated costs of service.

B. Permitted Uses.

The following uses are permitted within the R-1 District:

(1) Dwelling, Single Family;
(2) Family Daycare Center;
(3) Home Occupation;
(4) Open Space;
(5) Place of Worship;
(6) School (public or private); and
(7) Swimming Pool, Private

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses within the R-1 District:

(1) Bed and Breakfasts;
(2) Building, Public;
(3) Daycare Center;
(4) Dwelling Unit, Accessory;

(5) Funeral Home.

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-7. Uses not listed within the Bulk and Use tables are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-7. Uses not listed within the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-7. Uses not listed within the Bulk and Use Table are not subject to impervious surface coverage regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-7. Uses not listed within the Bulk and Use Table are not subject to height limitations.

I. Off-street parking requirements. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VIII.

K. Signs. Please refer to Article IV.

§179-7. Bulk and Use Table
R-1 Single Family Residential

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Min. Front Building Setback (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Minimum Parking
				Side	Rear			
PERMITTED USES								
Dwelling, Single Family	6,000 – 15,000	60	15	8	20	40	35	2 per unit
Family Daycare Center	6,000 – 15,000	60	20	8	30	40	35	2 per unit
Place of Worship	20,000 – 80,000	125	20	20	30	60	Min. 25	1 per 5 seats
School, Private	20,000 – 80,000	200	20	10	10	N/A	N/A	1.5 per employee
Swimming Pool, Private	N/A	N/A	N/A	4	4	N/A	N/A	N/A
SPECIAL USE PERMIT								
Bed and Breakfast	8,000 – 20,000	60	20	8	30	40	35	1 per guest room
Building, Public	10,000 – 40,000	70	20	10	20	40	45	3 per 1,000 sq. ft.
Daycare Center	20,000 – 40,000	125	20	20	30	40	35	1.5 per employee
Dwelling Unit, Accessory*	N/A	N/A	N/A	8	20	N/A	35	1 per unit
Funeral Home	20,000 – 40,000	80	20	15	20	60	35	3 per 1,000 sq. ft.

* Not the principal use of the property.
Note: For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.

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§179-8. R-2 Residential, High Density.

A. Purpose and intent. The purpose of the Residential, High Density District (R-2) is to ensure that future residential and commercial development respects the scale and character of existing neighborhoods in the City of Rensselaer. In promoting the general purpose of this chapter, the specific intent of the R-2 District is to:

(1) Provide a mix of housing options including single-family and two-family homes in structures originally intended for two or more families, which preserve the historic nature of existing neighborhoods; and

(2) Provide for a walkable, pedestrian-oriented environment built around single-family and two-family residential dwellings on small city lots.

B. Permitted Uses.

The following uses are permitted within the R-2 District:

(1) Building, Accessory;
(2) Dwelling, Single Family;
(3) Dwelling, Two-Family;
(4) Family Daycare Center;
(5) Home Occupation;
(6) Open Space;
(7) Place of Worship;
(8) School (public or private); and
(9) Swimming Pool, Private

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses in the R-2 District:

(1) Apartment Complex;
(2) Bed and Breakfast;
(3) Building, Mixed-Use;
(4) Building, Public;
(5) Club (private or membership);
(6) Convenience Store;
(7) Daycare Center;
(8) Dry-Cleaning Outlet
(9) Dwelling Unit, Accessory;
(10) Dwelling, Multi-Family;
(11) Dwelling, Townhouse;
(12) Funeral Home;
(13) Laundry, Self-Serve;
(14) Restaurant;
(15) Residential Care Facility;
(16) Retail, Goods and Services; and
(17) Swimming Pool, Public.

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-9. Uses not listed within the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-9. Uses not listed within the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-9. Uses not listed within the Bulk and Use Table are not subject to impervious surface coverage regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-9. Uses not listed within the Bulk and Use Table are not subject to height limitations.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-9. Uses not listed within the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VIII.

K. Signs. Please refer to Article IV.

§179-9. Bulk and Use Table
R-2 Residential, High Density District

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Parking
				Side	Rear			
PERMITTED USES								
Building, Accessory*	N/A	N/A	30 (min.)	5	5	N/A	35 (max.)	N/A
Dwelling, Single Family	4,000 – 15,000	25	0 – 20	5	20	80	35 (max.)	2 per unit
Dwelling, Two-Family	6,000 – 20,000	25	0 – 20	5	20	80	35 (max.)	1.5 per unit
Family Daycare Center	6,000 – 15,000	25	0 – 20	5	20	80	35 (max.)	2 per unit
Place of Worship	10,000 (min.)	40	10	10	20	60	25 (max.)	1 per 5 seats
School, public or private	15,000 (min.)	100	10 (min.)	10	10	60	45 (max.)	1.5 per employee
Swimming Pool, Private*	N/A	N/A	50 (min.)	4	4	N/A	N/A	N/A
SPECIAL USE PERMIT								
Apartment Complex	3 acres (min.)	200	20 (min.)	20	30	60	45 (max.)	1.5 per unit
Bed and Breakfast	8,000 (min.)	25	0 – 20	8	20	80	35 (max.)	1 per guest room
Building, Mixed-Use	8,000 (min.)	25	0 – 10	5	10	80	25 – 45	Cumulative by use
Building, Public	8,000 (min.)	25	0 (min.)	5	10	80	25 – 45	3 per 1,000 sq. ft.
Club (Private or Membership)	15,000 (min.)	100	0 (min.)	5	10	80	25 – 45	3 per 1,000 sq. ft.
Convenience Store	8,000 (min.)	25	0 (min.)	5	10	80	15 – 35	2 per 1,000 sq. ft.
Daycare Center	15,000 (min.)	100	10 (min.)	15	30	80	15 – 35	1.5 per employee
Dry-Cleaning Outlet	8,000 (min.)	25	0 (min.)	5	10	80	15 – 35	2 per 1,000 sq. ft.
Dwelling Unit, Accessory*	N/A	N/A	N/A	5	10	N/A	35 (max.)	1 per unit
Dwelling, Multi-Family	8,000 – 20,000	25	0 – 20	5	20	80	45 (max.)	1 per unit
Dwelling, Townhouse (Parent Parcel)	15,000 (min.)	100	N/A	N/A	N/A	N/A	N/A	N/A
Dwelling, Townhouse	2,500 (min.)	N/A	0 (min.)	0	0	100	35 (max.)	2 per unit

§179-9. Bulk and Use Table
R-2 Residential, High Density District

* Not the principal use of the property.
* For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Min. Front Building Setback (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Parking
				Side	Rear			
SPECIAL USE PERMIT (CONTINUED)								
Funeral Home	15,000 (min.)	100	10 (min.)	15	20	80	25 – 45	3 per 1,000 sq. ft.
Laundry, Self-Serve	8,000 (min.)	25	0 (min.)	5	10	80	15 – 35	2 per 1,000 sq. ft.
Restaurant	8,000 (min.)	50	0 – 15	10	20	80	15 - 35	8 per 1,000 sq. ft.
Residential Care Facility	10,000 (min.)	80	10 – 20	15	20	80	25 – 45	1.5 per room
Retail, Goods and Services	8,000 (min.)	50	0 – 15	10	20	80	25 – 45	3 per 1,000 sq. ft.

§179-10. C-1 General Commercial.

A. Purpose and intent. The purpose of the General Commercial District (C-1) is to promote well-designed large- and small-scale commercial development along the US Routes 9 & 20 corridor. Further, it is the intent of the C-1 district to:

(1) Provide a welcoming gateway into the City of Rensselaer through design standards that encourage consistent building design, façade materials, and structure orientation;

(2) Encourage signage that is consistent with the scale, context and materials established through design standards; and

(3) Create a pedestrian oriented environment through building orientation, position of safe pedestrian accommodations including an interconnected network of sidewalks, landscaping, and rear or side lot parking development.

B. Permitted Uses.

The following uses are permitted in the C-1 District:

(1) Animal hospital;
(2) Bar, Tavern, or Pub;
(3) Building, Accessory;
(4) Building, Mixed-Use;
(5) Building, Office;
(6) Building, Public;
(7) Car Wash;
(8) Club (Private or Membership);
(9) Convenience Store;
(10) Cultural Use Facility or Museum;
(11) Dry-Cleaning Facility;
(12) Dry-Cleaning Outlet;
(13) Greenhouse, Commercial;
(14) Home Occupation;
(15) Hotel or Motel;
(16) Inn;
(17) Laundry, Self Serve;
(18) Motor Vehicle Service Station;
(19) Motor Vehicle Salesroom;
(20) Open Space;
(21) Outpatient Health Center;
(22) Place of Worship;
(23) Recreation, Indoor Commercial;
(24) Restaurant;
(25) Retail, Goods and Services;
(26) School (public, only); and

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses in the C-1 District:

(1) Daycare Center;
(2) Drive-In Facility;
(3) Funeral Home;
(4) Kennel, Commercial; and
(5) Parking Garage

D. Prohibited uses. Uses that are not expressly permitted within this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-11. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-11. Uses not listed in the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-11. Uses not listed in the Bulk and Use Table are not subject to impervious surface coverage regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-11. Uses not listed in the Bulk and Use Table are not subject to height limitations.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-11. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VII.

K. Signs. Please refer to Article IV.

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Parking
				Side	Rear			
PERMITTED USES								
Animal Hospital	10,000	50	0 – 15	0	20	80	25 – 45	1 per 1,000 sq. ft.
Bar, Tavern, Pub	10,000	50	0 – 15	0	20	80	25 – 35	2 per 1,000 sq. ft.
Building, Accessory*	N/A	N/A	N/A	0	5	N/A	35 (max.)	N/A
Building, Mixed-Use	10,000	50	0 – 15	0	20	70	25 – 75	Cumulative by use
Building, Office	10,000	50	0 – 15	0	20	80	25 – 75	3 per 1,000 sq. ft.
Building, Public	10,000	50	0 – 15	0	20	80	25 – 75	3 per 1,000 sq. ft.
Car Wash	20,000	150	0 – 25	0	20	80	15 – 25	2 per 1,000 sq. ft.
Club (Private or Membership)	15,000	100	0 – 15	0	20	80	25 – 55	3 per 1,000 sq. ft.
Convenience Store	10,000	50	0 – 15	0	20	80	25 – 35	3 per 1,000 sq. ft.
Cultural Use Facility or Museum	10,000	50	0 – 15	0	20	80	25 – 45	2.5 per 1,000 sq. ft.
Dry-Cleaning Facility	15,000	100	0 – 15	0	20	80	25 – 35	2 per 1,000 sq. ft.
Dry-Cleaning Outlet	10,000	50	0 – 25	0	20	80	25 – 45	2 per 1,000 sq. ft.
Greenhouse, Commercial	20,000	200	0 – 15	0	20	80	25 – 35	2 per 1,000 sq. ft.
Hotel or Motel	40,000	200	0 – 15	0	20	80	25 – 75	1.2 per guest room or suite
Inn	15,000	100	0 – 15	0	20	80	25 – 55	1 per 1,000 sq ft.
Laundry, Self-Serve	10,000	50	0 – 25	0	20	80	25 – 45	2 per 1,000 sq. ft.
Motor Vehicle Service Station	20,000	150	0 – 25	0	20	80	25	1,000 sq. ft.
Motor Vehicle Salesroom	40,000	200	0 – 15	0	20	80	25 – 25	2 per 1,000 sq. ft.
Outpatient Health Center	15,000	100	0 – 15	0	20	80	25 – 45	3 per 1,000 sq. ft.
Place of Worship	20,000	150	0 – 15	0	20	80	25 (min.)	1 per 5 seats
Recreation, Indoor Commercial	20,000	150	0 – 15	0	20	80	25 – 45	3 per 1,000 sq. ft.
Restaurant	10,000	50	0 – 25	0	20	80	25 – 45	8 per 1,000 sq. ft.

§179-11. Bulk and Use Table
C-1 General Commercial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Parking
				Side	Rear			
Retail, Goods and Services	10,000	50	0 – 25	0	20	80	25 – 45	3 per 1,000 sq. ft.
SPECIAL USE PERMIT								
Daycare Center	15,000	100	0 – 25	0	20	80	25 – 45	1.5 per employee
Drive-In Facility	N/A	N/A	50 (min.)	20	20	N/A	N/A	N/A
Funeral Home	20,000	150	0 – 25	0	20	80	25 – 45	3 per 1,000 sq. ft.
Kennel, Commercial	20,000	150	0 – 25	0	20	80	25 – 45	1 per 1,000 sq. ft.
Parking Garage	20,000	150	0 – 25	0	20	80	25 – 45	N/A

* Not the principal use of the property.
* For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.

§179-12. MU-1 Downtown Mixed-Use.

A. Purpose and intent. The purpose of the Downtown Mixed-Use District (MU-1) is to accommodate a mix of higher-density residential and commercial uses that will encourage a vibrant, walkable central core consistent with the historic character for the City of Rensselaer. The district includes three distinct segments in which setback and height requirements may vary: south of Partition Street, Partition Street to Washington Avenue, and Washington Avenue. Design standards, as defined in §179-12 L seek to further define the form and impact of development in this district.

The intent of the entire MU-1 district, and associated design standards, is to:

(1) Encourage both horizontal and vertical mixing of residential units with retail, restaurants, entertainment, and other commercial uses in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;

(2) Retain a pedestrian friendly scale to encourage walkability;

(3) Preserve the integrity of historically significant buildings;

(4) Encourage new buildings and uses that are harmonious with the historic character of buildings, streets, and public spaces;

(5) Encourage infill development;

(6) Encourage carefully designed public spaces, on commercial and public properties and within the public right-of-way, that enhance the City's identity and encourage greater interaction among residents and visitors; and

(7) Strengthen connections between the train station, waterfront and the central business district.

B. Permitted Uses.

The following uses are permitted within the MU-1 District:

(1) Bed and Breakfast;
(2) Building, Accessory;
(3) Building, Mixed- Use;
(4) Building, Office;
(5) Building, Public;
(6) Club (Private or Membership);
(7) Convenience Store;
(8) Cultural Use Facility or Museum;
(9) Dry-Cleaning Outlet
(10) Dwelling, Multi-Family;
(11) Dwelling, Single-Family;
(12) Dwelling, Two-Family;
(13) Family Daycare Center;
(14) Home Occupation;
(15) Hotel or Motel;
(16) Inn;
(17) Laundry, Self Serve;

(18) Place of Worship;
(19) Restaurant;
(20) Retail, Goods and Services;
(21) School (public, only); and
(22) Swimming Pool, Private
(23) Theater.

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses within the MU-1 District:

(1) Animal Hospital;
(2) Bar, Tavern or Pub;
(3) Car Wash
(4)Cemetery;
(5) Daycare Center;
(6) Dry-Cleaning Facility;
(7) Dwelling, Townhouse;
(8) Funeral Home;
(9) Outpatient Health Center;
(10) Parking Garage;
(11) Recreation, Indoor Commercial;
(12) Residential Care Facility; and
(13) Swimming Pool, Public.

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-13(a), §179-13(b) and §179-13(c), which specify the regulations for each segment of the MU-1 district. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-13(a), §179-13(b) and §179-13(c), which specify the regulations for each segment of the MU-1 district. Uses not listed in the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-13(a), §179-13(b) and §179-13(c), which specify the regulations for each segment of the MU-1 district. Uses not listed in the Bulk and Use Table are not subject to impervious surface regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-13(a), §179-13(b) and §179-13(c), which specify the regulations for each segment of the MU-1 district. Uses not listed in the Bulk and Use Table are not subject to height limitations.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-13(a), §179-13(b) and §179-13(c), which specify the regulations for each segment of the MU-1 district. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VII.

K. Signs. Please refer to Article IV.

L. Design standards.

(1) Administration and Applicability.

(a) Unless otherwise stated, the design standards are mandatory and shall apply to all projects within the MU-1 District that require Site Plan Review, Special Use Permit or Planned Unit Development Approvals.

(b) To the extent practicable, design standards shall apply to all projects, buildings, uses or sites that are being replaced, redeveloped or rehabilitated.

(c) Each applicant proposing a new land use or development subject to these standards shall comply with the required standards to the maximum extent practicable.

(d) Compliance with the following standards not identified as mandatory is strongly encouraged.

(e) The term “shall” is interpreted as mandatory.

(f) The term “should” or “may” is interpreted as optional.

(g) The administering board shall enforce the following design standards to the maximum extent practicable for the purposes of achieving the goals and objectives in accordance with the Purpose and Intent of the regulations as set forth herein.

(2) General Design Concepts. Projects should incorporate the following general design concepts to the extent practicable.

(a) Sustainability

- New building construction should use green building technologies for mechanical systems, energy needs and construction materials.

- The adaptive reuse of existing and historic building stock is strongly encouraged as a sustainable development practice.

- The adaptive reuse of historic buildings should use green building technologies for mechanical systems, energy needs and construction materials.

- Site development methods that conserve resources and reduce environmental impacts are strongly encouraged.

- Emphasis should be placed on the use of and development of public transportation and pedestrian systems, and the reduction of automobile use wherever possible.

(b) Use Integration

- A full mix of uses, as permitted in the district, should be encouraged to promote a pedestrian friendly streetscape environment.

- Residential uses should be considered in conjunction with commercial activities to foster an active streetscape environment, enhance the viability of businesses and reduce traffic flows.

- Mixed-use development and buildings should be promoted, with active uses, such as shops, restaurants, and gallery spaces occupying the street level and offices and residential units occupying upper stories.

(c) Pedestrian Environment

- Building facades should be designed to promote pedestrian comfort, safety, and interests.

- Streetscape improvements should seek to create a unified street presence and encourage pedestrian activity. Streetscape improvements should include benches, bus shelters, trash receptacles, recycling receptacles, planting containers, lighting, wayfinding signage, and informational kiosks.

- Street trees and pedestrian scaled lighting should be incorporated into designs to enhance the project site, as well as surrounding areas.

- Pedestrian crosswalks should be incorporated to enhance cross-street connections.

(d) Architectural Considerations

- Projects in the MU-1 district should contribute to the City's moderately scaled urban form. Scale, massing and dominant architectural elements should contribute to the overall character of the downtown.

- Projects should complement the City's heritage by preserving and incorporating dominant design elements and characteristics that define neighborhood areas.

- Public buildings, structure, and spaces should be designed and constructed to the highest standards in order to reflect community values, inspire residents and visitors, foster civic pride, and serve as models to future development.

- Individual building elements, details, and materials should be unified so that all components appear integral to the whole.

- Design treatments should be rich with detail and of high-quality materials to promote interest.

- Projects that are sited towards the Hudson River should capitalize on the natural setting and conserve scenic public views and view corridors.

(3) Building Placement and Form

(a) Minimum Frontage Build-Out

- Frontage build-out of 100% is preferred. A minimum frontage build-out of 80% is required to create a near continuous façade along the sidewalk and screening for rear parking areas.

- When side yard parking is approved, minimum frontage build-out requirements shall be reduced to 67%, or two-thirds of the total lot frontage.

(b) Building Orientation and Facades

- The ground floor of buildings should be encouraged to contain public or semi-public uses, such as retail, restaurants, or entertainment, and should have direct entry from the street.

- The main façade of all buildings shall face towards the primary street frontage.

- New buildings that occupy a corner lot should express a principal façade and a secondary entrance as to have clear principal entryways from both roadways. Entries from parking or transit facilities shall be considered secondary entries.

- Retail activities within buildings shall be oriented towards the primary street entrance and have direct access from public sidewalks.

- Ground floor restaurants are strongly encouraged to have open storefront windows and some outdoor seating to increase the connection between interior and exterior spaces.

- All sides of the building shall be architecturally consistent with the façade of the building.

- Building facades should be in context and compatible with surrounding building facades.

(c) Street and Block Organization

- New buildings and development shall respect the existing organization of the city, street, and block patterns that exist.

- New developments that create “superblocks”, by joining together one or more blocks by removing a street segment, shall be prohibited.

- On-street parking shall be required on all new streets and maintained on existing streets.

- New streets shall include bump-out sidewalks at the end of each block, when appropriate.

(4) Architectural Character

(a) Context Sensitive Design

- New development projects should strive for a contextual approach to design that supports and responds to the surrounding urban, built, and natural environment.

(b) Historic Preservation

- The first option for existing historic buildings should be their retention, restoration, and adaptive reuse.

- Demolition of a historic building in favor of new construction shall only be permitted when the reuse is determined to be unfeasible due to cost or building condition.

- When building preservation is deemed impossible, every effort should be made to retain historic facades.

    - When a building façade is preserved, the new building shall be designed and constructed in a manner that is sympathetic to existing materials, organization, and design composition.

    - Any upward expansion of the new building should be set back from the historic façade.

- Features that contribute to a historic buildings' architectural character, such as fanlights, door hardware, columns, balustrades, and stairs should be retained.

- Design additions to historic buildings so there are subtle distinguishing characteristics between the historic portion and the new addition. This may include simplifying details, changing materials, or slightly altering proportions.

- Additions should not appear to be old or older than the original building. Avoid duplicating the appearance of the original building.

- Contemporary designs for additions are considered appropriate when they are compatible with the character of the historic building.

- New additions should be in proportion to the historic building.

- Additions should not be placed on the primary elevation.

(c) Infill Development

- Infill construction should be compatible with the average height, massing, and width of surrounding buildings. The rhythm of the façade should reflect the characteristic rhythm of existing buildings on the street.

- New building solutions are encouraged to promote flexibility.

- Quality construction materials should be used with particular attention paid to the interface between the building and the street.

(5) Architectural Design Elements

(a) Materials and Colors

- Traditional materials are preferred.
- Preferred façade materials include:
  - Red brick
  - Special masonry units
  - Natural stone
  - Stone veneer
  - Pre-cast stone units
  - Wood clapboard
  - Compressed hardwood siding
- The following building façade materials are discouraged:
  - Plain masonry units
  - Vinyl siding
  - Metal siding
  - Stainless steel
  - Imitation stone, plastic, composite or resin products
  - EIFS or synthetic stucco
- New materials, case-by-case basis.
- Acceptable trim materials shall include finished grade painted or stained wood.
- Bare, lumber grade wood shall not be permitted as a trim material.
- Windows shall have anodized aluminum or wood frame, not bare aluminum frame.
- Fluorescent colors are not acceptable.

(b) Roofs

- New construction or remodeling should incorporate rooflines consistent or complimentary to neighboring structures.
- Pitched and flat roofs are permitted.
- Gambrel roofs are not permitted.
- Flat roofs shall incorporate a parapet with cornice details along facades facing a public right-of-way. Plain or unadorned parapets are not allowed.
- Pitched roofs shall complement the overall style of the building.

- Roof colors and materials shall complement the overall character of the building.

- Roof design shall incorporate measures to prevent falling snow and ice onto the sidewalk.

(c) Fenestration

- Overall façade composition shall break the building down into smaller distinct portions to provide small-scale impression.

- Commercial or mixed use buildings shall have at least 70% transparency at street level along the front facade.

- A minimum of 35% of the façade for upper floors should incorporate glass openings.

- Second floor windows shall relate to the first in shape, form and pattern.

- Windows shall not be opaque or mirrored.

- Window treatments and displays should not substantially limit visibility into the building.

- Buildings must have entrances at least every 50 feet.

- Blank walls shall not exceed more than 15 feet in length.

(d) Entrances and Doors

- Doors of commercial and mixed use buildings shall allow visible access to the interior of a building.

- If the door is solid, it should be painted or stained to accent the building.

- The primary entrance of the structure should be clearly identifiable and consistent with the architectural style of the structure.

(e) Awnings and Canopies

- Strongly encouraged on building facades that face public streets.

- One awning shall be permitted for each window or door of the façade.

- Awnings should be consistent with the shape of the window that they are located over. For example, a flat top arched awning should be used over a straight window and an arched awning shall only be placed over an arched window.

- Awnings must be fastened to the façade of the building and not supported from the ground up.
- Awnings shall be constructed of canvas. Plastic and metal awnings are not permitted.
- Internal lighting or backlighting is not permitted.
- Retractable awnings shall be encouraged.
- Color schemes shall be compatible with the color scheme of the building façade.

(f) Arcades

- Arcades are permitted along a building or at a building's corner.
- Arcade may be used for outdoor seating.
- No elements of an arcade shall cross the sidewalk line.
- Arcade must be defined by a series of evenly spaced columns.

(g) Screening

- Rooftop mechanical equipment shall be screened from public view.
- Rooftop screening shall be achieved with the use of architecturally compatible approaches including materials, parapet, or walls.
- Ground level equipment, including dumpsters and loading docks, shall be screened from public view with landscaping materials, walls, opaque fencing or other design treatments.
- Screening shall be compatible with the finishes and materials of the principle structure.

(6) Parking

(a) Garages and Structures

- The construction and use of public parking facilities, both surface and garages, is strongly encouraged over parking facilities constructed for a single use.
- All parking garages and structures along public rights-of-way and at key intersections should be screened from public view by one or more liner buildings.
- Retail or other public or semi-public uses should be incorporated into the ground floor of parking garages and structures, along public rights-of-way, to the extent practicable to maintain an active and vibrant streetscape presence.

- Parking garages and structures shall be designed in a manner that engages the streetscape through architectural detail and the incorporation of pedestrian enhancements. Blank walls shall be prohibited along public rights-of-way.

(b) Off-Street Surface Parking

- Surface parking lots shall be located to the rear yard of buildings.

- Surface parking lots may be permitted to be located in the side yard if an applicant can demonstrate that there is insufficient room in the rear yard due to building configuration, lot size, or other restricting condition AND public parking spaces are not readily available or are insufficient to accommodate the proposed use.

- Any surface parking lot located in the side yard shall still be required to conform to the following standards:

  - Minimum frontage build-out requirements must still be met.

  - No parking spaces shall be located between the front building façade and the sidewalk line.

  - No corner lots shall be occupied by surface parking lots.

(7) Landscaping

(a) Screening and Buffers

- Landscape screening and buffers shall be designed to separate commercial and residential uses in accordance with Section 179-44 Buffer Areas.

- Native vegetation shall be used. Invasive species are prohibited.

- Service, loading and maneuvering areas shall be fully screened from the view of adjacent residential properties.

(b) Surface Parking Landscaping

- One landscape island, equal to the size of one parking space, shall be provided for every ten spaces within the surface parking lot.

- Landscape islands located at the end of a parking bay shall be the length of the two end perpendicular parking spaces.

- Trees shall be planted in such a manner as to ensure that no parking space will be more than 75 feet from a large deciduous tree.

- Trees shall be planted so that the trunk is a minimum of 2.5 feet from the curb edge.

- Canopy / deciduous trees shall have a 3-4 inch caliper at the time of planting.

- Small flowering trees shall have a 1.5-2 inch caliper at the time of planting.

- Large shrubs shall be a minimum of 30” in height at time of planting.

- Buffers shall conform to the requirements of Section 179-44 Buffer Areas.

(8) Public Spaces

(a) Relationship and Integration

- Public places are strongly encouraged as part of all new development projects. Acceptable public places include parks, plazas and civic squares.

- New public spaces should be located in strategically selected places that are directly linked to the street and sidewalk system with an emphasis on traditional street and block patterns.

(b) Accessibility and Visibility

- Public spaces should have direct physical and visual access to the adjacent streets.

- Public spaces should be directly accessible from adjacent streets and sidewalks and allow for multiple points of entry.

- Public spaces should be visually permeable from the sidewalk, allowing passersby to see directly into the space.

- Walls, fences and dense plantings that shield the public space from view should be avoided.

- In instances where grade change of greater than four feet is present between the sidewalk and open space, stairs should be provided. Stairways should be generously proportioned and provide landings every four feet of elevation change to provide visual connections.

(c) Public Spaces for Public Buildings

- Major new public facilities, such as stadiums, convention centers and municipal buildings, should have clearly defined and significant public spaces incorporated into their principal entrance and façade.

- Public spaces at public buildings should be designed for flexible uses ranging from small, informal use to large assemblies.

(9) Streetscape Design Amenities

(a) Trash and Recycling Receptacles

- Shall be consistent in design and materials.

- At a minimum, two trash and recycling receptacles shall be installed within each city block.

- Additional appropriate locations for receptacles are in public parks, spaces, plazas, or other seating areas.

(b) Public Seating

- Shall be consistent in design and materials.

- Seating should be provided adjacent to all bus stops.

- New public spaces should incorporate benches and seating options.

- Seating shall not interfere with the flow of pedestrian traffic.

(c) Sidewalks

- New sidewalks shall be constructed of concrete or concrete brick pavers.

- Sidewalks shall be a minimum of seven feet wide in commercial and mixed use areas. Connections to residential districts shall be a minimum of five feet wide.

- Where a sidewalk crosses a parking lot access drive, the concrete paving pattern shall continue uninterrupted.

- New sidewalks must connect to adjacent properties.

(d) Landscape

- Street trees shall be planted between the curb and the building line.

- All tree planting areas shall be covered with a porous, hard-surfaced grate that is ADA compliant.

- Trees shall not be planted closer than seven feet to the building line.

- One large deciduous tree shall be planted for each 40 feet of linear road frontage.

(e) Wayfinding

- Pedestrian wayfinding signs and kiosks should be incorporated into streetscape design to provide direction to pedestrians. Wayfinding should be incorporated in a comprehensive and unified manner for the entire downtown, as well as surrounding areas.

- The design of the urban fabric should support a clear sense of visual and spatial orientation through building location, massing and design and the integration of public art and landscape design.

(10) Use of the Streetscape

(a) Plazas

- Plazas may be incorporated into new projects as long as the building setback does not exceed 30 feet from the sidewalk line.
- No elements of a plaza shall cross the sidewalk line.
- Plazas shall not be fenced or walled off.

(b) Outdoor Dining

- Outdoor dining is encouraged.
- When outdoor dining is proposed, the building setback may be increased to 20 feet to allow for the placement of seating.
- Must be visually integrated with the associated building.
- When located in the front of a building, outdoor seating elements must be dismantled during winter months.
- A minimum of five feet of unobstructed, useable sidewalk shall remain at all times between the outdoor dining elements and the curb.

(c) Sidewalk Retail

- Sidewalk retail is strongly encouraged in association with existing retail and commercial establishments.
- Merchandise shall be removed at the close of business.
- A minimum of five feet of unobstructed, useable sidewalk shall remain at all times adjacent to sidewalk retail.

(11) Infrastructure

(a) Lighting

- Pedestrian scale and area lighting shall be required.
- Fixtures shall be designed to shield glare from adjacent streets, properties, and sky.
- The light source (i.e. bulb) shall not be visible from any angle.
- Pedestrian lighting shall be between 9 and 11 feet in height.

- Area lighting shall not be taller than 18 feet or the height of the adjoining building, whichever is less.

- Energy efficient bulbs shall be required.

- The use of metal halide, high pressure sodium, and low-pressure sodium bulbs are strongly discouraged.

- Mixtures of bulbs shall be prohibited.

- Flashing or intrinsically bright sources of illumination shall be prohibited.

- No lights shall produce glare or as to cause illumination beyond the boundaries of the property on which it is located in excess of five-tenths foot candle.

(b) Utilities

- Install utility lines underground whenever possible.

§179-13. Bulk and Use Table
MU-1 Downtown Mixed-Use

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Minimum Parking
				Side	Rear			
PERMITTED USES								
Bed and Breakfast	6,000 (min.)	50	0 – 10	0	10	80	25 – 35	1 per guest room
Building, Accessory*	N/A	N/A	N/A	0	5	N/A	35 (max.)	N/A
Building, Mixed-Use	3,000 (min.)	20	0 – 10	0	0	80	25 – 60	Cumulative by use
Building, Office	3,000 (min.)	20	0 – 10	0	0	80	25 – 60	2 per 1,000 sq. ft.
Building, Public	3,000 (min.)	20	0 – 10	0	0	80	25 – 60	2 per 1,000 sq. ft.
Club (Private or Membership)	3,000 (min.)	20	0 – 10	0	0	80	25 – 60	3 per 1,000 sq. ft.
Convenience Store	5,000 – 20,000	50	0 – 10	0	0	80	15 – 35	2 per 1,000 sq. ft.
Cultural Use Facility or Museum	3,000 (min.)	20	0 – 10	0	0	80	25 – 60	2.5 per 1,000 sq. ft.
Dry-Cleaning Outlet	5,000 – 15,000	40	0 – 10	0	0	80	15 – 35	2 per 1,000 sq. ft.
Dwelling, Multi-Family	5,000 – 10,000	40	0 – 10	0	15	80	60 (max.)	1 per unit
Dwelling, Single-Family	3,000 – 8,000	30	0 – 10	0	15	80	25 – 35	2 per unit
Dwelling, Two-Family	5,000 – 10,000	40	0 – 10	0	15	80	25 – 35	2 per unit
Family Daycare Center	3,000 – 8,000	30	0 – 10	0	15	80	25 – 35	2 per unit
Hotel or Motel	20,000 – 40,000	100	0 – 10	0	0	80	25 – 60	1 per room
Inn	15,000 (min.)	100	0 – 10	0	0	80	25 – 60	1 per room
Laundry, Self-Serve	5,000 – 15,000	40	0 – 10	0	0	80	15 – 35	2 per 1,000 sq. ft.
Place of Worship	5,000 – 40,000	40	0 – 10	0	0	80	25 (min.)	1 per 5 seats
Restaurant[1]	5,000 – 20,000	40	0 – 10	0	0	80	25 – 35	8 per 1,000 sq. ft.
Retail, Goods and Services[2]	5,000 – 20,000	40	0 – 10	0	0	80	25 – 35	3 per 1,000 sq. ft.

§179-13. Bulk and Use Table
MU-1 Downtown Mixed-Use

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Building Height Range (feet)	Parking
				Side	Rear			
Swimming Pool, Private*	N/A	N/A	N/A	3	3	N/A	N/A	N/A
Theater	3,000 (min.)	20	0 – 10	0	0	80	25 – 45	1 per 1,000 sq. ft.
SPECIAL USE PERMIT								
Animal Hospital	10,000 – 40,000	100	0 - 10	0	0	80	25 – 35	1 per 1,000 sq. ft.
Bar, Tavern, Pub[1]	3,000 (min.)	20	0 – 10	0	0	80	25 – 35	1 per 5 seats
Cemetery	3 acres (min.)	N/A	N/A	N/A	N/A	N/A	N/A	5 per acre
Daycare Center	5,000 (min.)	40	0 – 10	0	0	80	25 – 35	1.5 per employee
Dry-Cleaning Facility	5,000 – 20,000	40	0 – 10	0	0	80	25 – 35	2 per 1,000 sq. ft.
Dwelling, Townhouse (Parent Parcel)	12,500 (min.)	100	N/A	N/A	N/A	N/A	N/A	N/A
Dwelling, Townhouse	2,500 (min.)	N/A	0 – 5	0	10	80	25 – 35	2 per unit
Funeral Home	5,000 (min.)	100	0 – 10	0	0	80	25 – 35	3 per 1,000 sq. ft.
Outpatient Health Center	10,000 (min.)	50	0 – 10	10	10	80	25 – 60	3 per 1,000 sq. ft.
Parking Garage	20,000 (min.)	150	0 – 10	5	5	80	25 – 60	N/A
Recreation, Indoor Commercial	20,000 (min.)	50	0 – 10	0	5	80	25 – 60	5 per 1,000 sq. ft.
Residential Care Facility	15,000 (min.)	100	0 – 20	10	20	70	25 – 60	1 per room
Swimming Pool, Public	40,000 (min.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* Not the principal use of the property.

Notes:
[1]When outdoor dining is proposed, the building setback may be increased to 20 feet to accommodate seating.
[2]If a plaza is proposed as part of development, the building setbacks shall not exceed 30 feet.

§179-14. MU-2 Waterfront Mixed-Use.

A. Purpose and intent. The purpose of the Waterfront Mixed-Use District (MU-2) is to capitalize on the City of Rensselaer's waterfront and convenient access to water and rail transportation by encouraging a mix of residential, commercial, and public uses. All private development, where applicable, in the Waterfront Mixed-Use District shall include public access directly adjacent to the water in the form of a 25-foot easement from the mean high tide, which may be waived by the Planning Commission in cases which the City does not feel access is appropriate for reasons of public health, safety or welfare. The intent of the MU-2 District is to:

(1) Encourage the horizontal and vertical mixing of residential units with retail, restaurants, entertainment and other commercial uses in order to create an active waterfront, enhance the vitality of businesses, reduce vehicular traffic and create a pedestrian friendly waterfront;

(2) Encourage building design, wayfinding, and signage that enhances the proximity of the Hudson River without diminishing views; and

(3) Promote public access to the waterfront and incorporate pedestrian amenities into site design.

B. Permitted Uses.

The following uses are permitted within the MU-2 District:

(1) Bar, tavern, or pub;
(2) Boat launch;
(3) Building, Mixed-Use;
(4) Building, Office;
(5) Building, Public;
(6) Club (Private or Membership);
(7) Cultural Use Facility or Museum;
(8) Dwelling Unit, Accessory
(9) Dwelling, Multi-Family;
(10) Dwelling, Townhouse;
(11) Family Daycare Center;
(12) Home Occupation;
(13) Hotel or Motel;
(14) Inn;
(15) Marina;
(16) Open Space;
(17) Outpatient Health Center;
(18) Place of Worship;
(19) Restaurant;
(20) Retail, Goods and Services;
(21) School (public, only);
(22) Swimming Pool, Public; and
(23) Theater.

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses in the MU-2 District:

(1) Building, Accessory;
(2) Convention Center;
(3) Daycare Center;
(4) Outdoor Recreation and Amusement; and
(5) Parking Garage;

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-15. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-15. Uses not listed in the Bulk and Use Table are not subject to setback requirements. Waterfront lots are considered to have two frontages: water frontage and street frontage. Setback shall be set from a designated land-side public easement, when applicable. Waterfront lots have no rear setback.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-15. Uses not listed in the Bulk and Use Table are not subject to impervious surface regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-15. Uses not listed in the Bulk and Use Table are not subject to height requirements.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-15. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VII.

K. Signs. Please refer to Article IV.

L. Design standards.

(1) Administration and Applicability.

(a) Unless otherwise stated, the design standards are mandatory and shall apply to all projects within the MU-2 Waterfront District that require Site Plan Review, Special Use Permit or Planned Unit Development Approvals.

(b) To the extent practicable, design standards shall apply to all projects, buildings, uses or sites that are being replaced, redeveloped or rehabilitated.

(c) Each applicant proposing a new land use or development subject to these standards shall comply with the required standards to the maximum extent practicable.

(d) Compliance with the following standards not identified as mandatory is strongly encouraged.

(e) The term “shall” is interpreted as mandatory.

(f) The term “should” or “may” is interpreted as optional.

(g) The administering board shall enforce the following design standards to the maximum extent practicable for the purposes of achieving the goals and objectives in accordance with the Purpose and Intent of the regulations as set forth herein.

(2) General Design Concepts. Projects should incorporate the following general design concepts to the extent practicable.

(a) Sustainability

- New building construction should use green building technologies for mechanical systems, energy needs and construction materials.
- The adaptive reuse of existing and historic building stock is strongly encouraged as a sustainable development practice.
- The adaptive reuse of historic buildings should use green building technologies for mechanical systems, energy needs and construction materials.
- Site development methods that conserve resources and reduce environmental impacts are strongly encouraged.
- Site development methods that protect the Hudson River and its natural ecosystems and habitats are strongly encouraged.
- Emphasis should be placed on the use of and development of public transportation and pedestrian systems, and the reduction of automobile use wherever possible.

(b) Use Integration

- A full mix of uses, as permitted in the district, should be encouraged to promote a pedestrian friendly streetscape environment and contribute to a continuous waterfront trail system.
- Residential uses should be considered in conjunction with commercial activities to foster an active streetscape environment, enhance the viability of businesses and reduce traffic flows.
- Mixed-use development and buildings should be promoted, with active uses, such as shops, restaurants, and gallery spaces occupying the street level and offices and residential units occupying upper stories.

(c) Pedestrian Environment

- Building facades should be designed to promote pedestrian comfort, safety, and interests.

- Streetscapes and public spaces, including promenades and plazas, should include benches, bus shelters, trash receptacles, recycling receptacles, planting containers, lighting, wayfinding signage, and informational kiosks.

- Street trees and pedestrian scaled lighting should be incorporated into designs to enhance the project site, as well as surrounding areas.

- Pedestrian crosswalks should be incorporated to enhance cross-street connections.

(d) Architectural Considerations

- Projects in the MU-2 district should capitalize on the waterfront location and contribute to the City's urban form.

- Projects should complement the City's heritage by preserving and incorporating dominant design elements and characteristics that define neighborhood areas.

- Public buildings, structure, and spaces should be designed and constructed to the highest standards in order to reflect community values, inspire residents and visitors, foster civic pride, and serve as models to future development.

- Individual building elements, details, and materials should be unified so that all components appear integral to the whole.

- Design treatments should be rich with detail and of high-quality materials to promote interest.

- Projects should capitalize on the waterfront location, natural setting and promote scenic public views and view corridors.

(3) Building Placement and Form

(a) Building Orientation and Facades

- Buildings fronting along the waterfront should have two primary entrances and facades, one on the waterside and one on the street side.

- The ground floor of buildings should contain public or semi-public uses, such as retail, restaurants, or entertainment, and should have direct entry from the street or major pedestrian thoroughfare, such as a waterfront promenade.

- New buildings that occupy a corner lot should express a principal façade and a secondary entrance as to have clear principal entryways from both roadways. Entries from parking or transit facilities shall be considered secondary entries.

- Retail activities within buildings shall be oriented towards the primary entrance and have direct access from public sidewalks and pedestrian activity centers.

- Ground floor restaurants are strongly encouraged to have open storefront windows and outdoor seating to increase the connection between interior and exterior spaces. Outdoor seating areas are strongly encouraged along building frontages facing the Hudson River.

- All sides of the building shall be architecturally consistent with the façade of the building.

- The side of the building facing the Hudson River shall always be considered to be the primary building frontage.

(b) Street and Block Organization

- New buildings, development, and street configurations should allow for smooth traffic and circulation flow and connect to the existing street grid of the City, respecting the existing organization of the city, street, and block patterns that exist.

- On-street parking shall be required on all new streets and maintained on existing streets.

- New streets shall include bump-out sidewalks at the end of each block.

(4) Architectural Character

(a) Context Sensitive Design

- New development projects should strive for a contextual approach to design that supports and responds to the surrounding urban, built, and natural environment.

(b) Historic Preservation

- The first option for existing historic buildings should be their retention, restoration, and adaptive reuse.

- Demolition of a historic building in favor of new construction shall only be permitted when the reuse is determined to be unfeasible due to cost or building condition.

- Exterior additions to a historic building should not strive to replicate the historic building, but should be compatible with the proportions, façade composition, rhythm of openings, materials, and colors.

(5) Architectural Design Elements

(a) Materials and Colors

- Permitted façade materials shall include:

  - Red brick
  - Special masonry units
  - Natural stone
  - Stone veneer
  - Pre-cast stone units

- Wood clapboard
- Compressed hardwood siding

- Unacceptable building façade materials shall include:

  - Plain masonry units
  - Vinyl siding
  - Metal siding
  - Stainless steel
  - Imitation stone, plastic, composite or resin products
  - EIFS or synthetic stucco

- Acceptable trim materials shall include finished grade painted or stained wood.

- Bare, lumber grade wood shall not be permitted as a trim material.

- Windows shall have anodized aluminum or wood frame, not bare aluminum frame.

- Colors shall be chosen from a commercial paint distributors historic color pallet.

- Fluorescent colors are not acceptable.

(b) Roofs

- Pitched and flat roofs are permitted.

- Gambrel roofs are not permitted.

- Flat roofs shall incorporate a parapet with cornice details along facades facing a public right-of-way. Plain or unadorned parapets are not allowed.

- Pitched roofs shall complement the overall style of the building.

- Roofing materials shall not be reflective.

- Roof colors and materials shall complement the overall character of the building.

- Roof design shall incorporate measures to prevent falling snow and ice onto sidewalks and other pedestrian infrastructure.

(c) Fenestration

- Overall façade composition shall break the building down into smaller distinct portions to provide small-scale impression.

- Buildings shall have at least 70% transparency at street level along the front facade.

- A minimum of 35% of the façade for upper floors should incorporate glass openings.

- Second floor windows shall relate to the first in shape, form and pattern.
- Windows shall not be opaque or mirrored.
- Window treatments and displays should not substantially limit visibility into the building.
- Windows shall not be mounted flush to the exterior of the façade.
- Buildings must have entrances at least every 50 feet.
- Blank walls shall not exceed more than 15 feet in length.

(d) Entrances and Doors

- Primary entry doors shall be located along all major pedestrian routes and along primary roadway frontages.
- Doors shall allow visible access to the interior of a building.
- If the door is solid, it should be painted or stained to accent the building.
- The primary entrance of the structure should be clearly identifiable and consistent with the architectural style of the structure.

(e) Awnings and Canopies

- Awnings are strongly encouraged on building facades that face public streets and along waterfront facades.
- One awning shall be permitted for each window or door of the façade.
- Awnings should be consistent with the shape of the window that they are located over. For example, a flat top arched awning should be used over a straight window and an arched awning shall only be placed over an arched window.
- Awnings must be fastened to the façade of the building and not supported from the ground up.
- Awnings shall be constructed of canvas. Plastic and metal awnings re not permitted.
- Internal lighting or backlighting is not permitted.
- Retractable awnings shall be permitted.
- Color schemes shall be consistent with colors outlined in Materials and Colors above.

(f) Arcades

- Arcades are permitted along a building or at a building's corner.
- Arcade may be used for outdoor seating.
- No elements of an arcade shall cross the sidewalk line.
- Arcade must be defined by a series of evenly spaced columns.

(g) Screening

- Rooftop mechanical equipment shall be screened from public view.
- Rooftop screening shall be achieved with the use of architecturally compatible approaches including materials, parapet, or walls.
- Ground level equipment, including dumpsters and loading docks, shall be screened from public view with landscaping materials, walls, opaque fencing or other design treatments.
- Screening shall be compatible with the finishes and materials of the principle structure.

(6) Parking

(a) Garages and Structures

- The construction and use of public parking facilities, both surface and garages, is strongly encouraged over parking facilities constructed for a single use.
- All parking garages and structures along public rights-of-way and at key intersections should be screened from public view.
- Retail or other public or semi-public uses should be incorporated into the ground floor of parking garages and structures, along public rights-of-way, to the extent practicable to maintain an active and vibrant streetscape presence.
- Parking garages and structures shall be designed in a manner that engages the streetscape through architectural detail and the incorporation of pedestrian enhancements. Blank walls shall be prohibited along public rights-of-way, including major pedestrian routes.

(b) Off-Street Surface Parking

- No surface parking areas shall be permitted fronting on the Hudson River.
- Surface parking lots are discouraged in the MU-2 district.
- Surface parking lots shall be located to the rear yard of buildings.

(7) Landscaping

(a) Screening and Buffers

- Landscape screening and buffers shall be designed to separate commercial and residential uses in accordance with Section 179-44 Buffer Areas.
- Native vegetation shall be used. Invasive species are prohibited.
- Service, loading and maneuvering areas shall be fully screened from the view of adjacent residential properties.

(b) Surface Parking Landscaping

- One landscape island, equal to the size of one parking space, shall be provided for every ten spaces within the surface parking lot.
- Landscape islands located at the end of a parking bay shall be the length of the two end perpendicular parking spaces.
- Trees shall be planted in such a manner as to ensure that no parking space will be more than 75 feet from a large deciduous tree.
- Trees shall be planted so that the trunk is a minimum of 2.5 feet from the curb edge.
- Canopy / deciduous trees shall have a 3-4 inch caliper at the time of planting.
- Small flowering trees shall have a 1.5-2 inch caliper at the time of planting.
- Large shrubs shall be a minimum of 30” in height at time of planting.
- Buffers shall conform to the requirements of Section 179-44 Buffer Areas.

(8) Public Spaces

(a) Relationship and Integration

- Public places are strongly encouraged as part of all new development projects. Acceptable public places include parks, plazas and civic squares.
- Public spaces are strongly encouraged along the Hudson River waterfront.
- Public spaces should be incorporated to contribute to the City’s desire to create a continuous waterfront trail system along the Hudson River.
- New public spaces should be located in strategically selected places that are directly linked to the street and sidewalk system.

(b) Accessibility and Visibility

- Public spaces should have direct physical and visual access to adjacent streets, the Hudson River, and the waterfront trail system.

- Public spaces should be directly accessible from adjacent streets and sidewalks and allow for multiple points of entry.

- Public spaces should be visually permeable from the sidewalk, allowing passersby to see directly into the space.

- Walls, fences and dense plantings that shield the public space from view should be avoided.

- In instances where grade change of greater than four feet is present between the sidewalk and open space, stairs should be provided. Stairways should be generously proportioned and provide landings every four feet of elevation change to provide visual connections.

(c) Public Spaces for Public Buildings

- Major new public facilities, such as stadiums, convention centers and municipal buildings, should have clearly defined and significant public spaces incorporated into their principal entrance and façade.

- Public spaces at public buildings should be designed for flexible uses ranging from small, informal use to large assemblies.

(9) Streetscape Design Amenities

(a) Trash and Recycling Receptacles

- Shall be consistent in design and materials.

- At a minimum, two trash and recycling receptacles shall be installed within each city block.

- Trash and recycling receptacles shall be located in public parks, spaces, plazas, or other seating areas.

- Trash and recycling receptacles shall be provided at least every 75 feet along the waterfront trail system.

(b) Public Seating

- Shall be consistent in design and materials.

- Seating should be provided adjacent to all transit stops.

- New public spaces should incorporate benches and seating options.

- Seating shall not interfere with the flow of pedestrian traffic.

- Public seating shall be provided at regular intervals along the waterfront trail system.

(c) Sidewalks and Trails

- New sidewalks shall be constructed of concrete or concrete brick pavers.

- Sidewalks shall be a minimum of seven feet wide in commercial and mixed use areas. Connections to surrounding mixed-use and residential districts shall be a minimum of five feet wide.

- Where a sidewalk crosses a parking lot access drive, the concrete paving pattern shall continue uninterrupted.

- New sidewalks must connect to adjacent properties.

- All new development shall incorporate continuous waterfront access for pedestrians and non-vehicular users. The waterfront access shall be in the form of a trail, promenade, or other public space and is subject to the other guidelines identified herein.

(d) Landscape

- Street trees shall be planted between the curb and the building line.

- All tree planting areas shall be covered with a porous, hard-surfaced grate that is ADA compliant.

- Trees shall not be planted closer than seven feet to the building line.

- One large deciduous tree shall be planted for each 40 feet of linear road frontage.

(e) Wayfinding

- Pedestrian wayfinding signs and kiosks should be incorporated into streetscape design to provide direction to pedestrians. Wayfinding should be incorporated in a comprehensive and unified manner for the entire waterfront, as well as surrounding areas.

- Pedestrian wayfinding and kiosks shall be incorporated into the waterfront trail system.

(10) Use of the Streetscape

(a) Plazas

- Plazas and public gathering areas are strongly encouraged along the Hudson Riverfront.

- No elements of a plaza shall cross the sidewalk line when adjacent to a public right-of-way.

- Plazas shall not be fenced or walled off.

(b) Outdoor Dining

- Outdoor dining is strongly encouraged along the Hudson Riverfront and along street frontage.
- When outdoor dining is proposed, the building setback may be increased to 20 feet to allow for the placement of seating.
- Must be visually integrated with the associated building.
- When located in the front of a building, outdoor seating elements must be dismantled during winter months.
- A minimum of five feet of unobstructed, useable pedestrian access shall remain at all times between the outdoor dining elements and the curb, sidewalk, or public pedestrian system.

(c) Sidewalk Retail

- Sidewalk retail is strongly encouraged in association with existing retail and commercial establishments.
- Merchandise shall be removed at the close of business.
- A minimum of five feet of unobstructed, useable sidewalk or pedestrian access shall remain at all times adjacent to sidewalk retail.

(11) Infrastructure

(a) Lighting

- Pedestrian scale and area lighting shall be required.
- Fixtures shall be designed to shield glare from adjacent streets, properties, and sky.
- The light source (i.e. bulb) shall not be visible from any angle.
- Pedestrian lighting shall be between 10 and 12 feet in height.
- Area lighting shall not be taller than 18 feet or the height of the adjoining building, whichever is less.
- Energy efficient bulbs shall be required.
- The use of metal halide, high pressure sodium, and low-pressure sodium bulbs are strongly discouraged.

- Mixtures of bulbs shall be prohibited.
- Flashing or intrinsically bright sources of illumination shall be prohibited.
- No lights shall produce glare or as to cause illumination beyond the boundaries of the property on which it is located in excess of five-tenths foot candle.

(b) Utilities

- All utilities shall be placed underground.

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§179-15. Bulk and Use Table
MU-2 Waterfront Mixed-Use District

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage[1] (%)	Max. Building Height (feet)	Parking
				Side	Rear			
PERMITTED USES								
Bar, tavern, pub[2]	3,000 – 20,000	50	0 – 15	0	20	100	140	1 per 5 seats
Boat Launch	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Building, Mixed-Use	5,000 – 30,000	50	0 – 20	0	20	100	140	Cumulative by use
Building, Office	5,000 – 20,000	50	0 – 20	0	20	100	140	2 per 1,000 sq. ft.
Building, Public	5,000 – 50,000	50	10 – 20	0	20	100	140	2 per 1,000 sq. ft.
Club (Private or Membership)	5,000 – 40,000	100	0 – 15	0	20	80	140	3 per 1,000 sq. ft.
Cultural Use Facility or Museum	5,000– 50,000	50	0 – 15	0	20	80	140	2 per 1,000 sq. ft.
Dwelling Unit, Accessory*	N/A	N/A	N/A	10	10	N/A	35	1 per unit
Dwelling, Multi-Family	5,000 – 20,000	90	0 – 15	10	20	90	140	2 per unit
Dwelling, Townhouse (Parent parcel)	15,000 (min.)	100	N/A	N/A	N/A	N/A	N/A	N/A
Dwelling, Townhouse	3,000 (min.)	40	0 – 10	0	0	100	35	2 per unit
Family Daycare Center	5,000 – 20,000	50	0 – 15	20	20	60	140	2 per unit
Hotel or Motel	20,000 – 50,000	100	0 – 15	0	20	100	140	1 per room
Inn	10,000 – 30,000	50	0 – 15	0	20	100	140	1 per room
Marina	15,000 (min.)	100	0 – 20	10	20	N/A	140	1.5 per boat storage capacity
Outpatient Health Center	10,000 – 30,000	50	0 – 20	0	20	90	140	2 per 1,000 sq. ft.
Place of Worship	20,000 (min.)	150	0 – 20	0	20	60	140	1 per 5 seats
Restaurant[2]	3,000 – 30,000	50	0 – 20	0	20	100	140	1 per 5 seats
Retail, Goods and Services[3]	3,000 – 40,000	50	0 – 20	0	20	100	140	2 per 1,000 sq. ft.
Swimming Pool, Public	N/A	N/A	N/A	3	3	N/A	N/A	N/A

§179-15. Bulk and Use Table
MU-2 Waterfront Mixed-Use District

Uses	Lot Size Range (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage[1] (%)	Max. Building Height (feet)	Parking
				Side	Rear			
Theater	3,000 (min.)	20	0 – 15	0	0	100	140	1 per 1,000 sq. ft.
SPECIAL USE PERMIT								
Building, Accessory*	N/A	N/A	0 – 20	N/A	N/A	N/A	N/A	N/A
Convention Center	10,000 (min.)	100	0 – 20	0	0	100	25 - 45	3 per 1,000 sq. ft.
Daycare Center	5,000 – 30,000	50	0 – 20	0	20	60	25 - 45	1.5 per employee
Outdoor Recreation and Entertainment	30,000 (min.)	200	0 – 20	0	20	60	35	N/A
Parking Garage	20,000 (min.)	150	0 – 20	10	20	N/A	35	N/A

* Not the principal use of the property.

Note: For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.
[1] Impervious surface coverage that exceeds 80 percent of the property are required to comply with local stormwater regulations, as required by §179-57.
[2] When outdoor dining is proposed, the building setback may be increased to 20 feet to accommodate seating.
[3] If a plaza is proposed as part of development, the building setbacks shall not exceed 30 feet.

§179-16. I-1 Light Industrial.

A. Purpose and intent. The general purpose of the Light Industrial District (I-1) is to provide for areas in the City where light industrial uses have primarily been concentrated and to encourage future light industrial development. Light industrial uses must respect adjacent transitional areas through the incorporation of buffers, design guidelines, and compliance with performance standards as set forth elsewhere in this chapter.

B. Permitted Uses.

The following uses are permitted in the I-1 District:

(1) Animal Hospital;
(2) Building, Accessory;
(3) Building, Mixed-Use;
(4) Building, Office;
(5) Building, Public;
(6) Contractor's Yard;
(7) Convenience Store;
(8) Greenhouse, Commercial;
(9) Kennel, Commercial;
(10) Manufacturing, Light;
(11) Motor Vehicle Service Stations;
(12) Motor Vehicle Sales;
(13) Open Space;
(14) Outpatient Health Center;
(15) Personal Storage Facilities;
(16) Place of Worship;
(17) Recreation, Indoor Commercial;
(18) Restaurant;
(19) Retail, Goods and Services;
(20) Warehouse, Wholesale or Distribution Center;

A. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special uses in the I-1 District:

(1) Drive-In Facility;
(2) Homeless Shelter;
(3) Manufacturing Operations;
(4) Manufactured Home Park;
(5) Parking Garage; and
(6) Telecommunication Facility or Tower(s).

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-17. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-17. Uses not listed in the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-17. Uses not listed in the Bulk and Use Table are not subject to impervious surface regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-17. Uses not listed in the Bulk and Use Table are not subject to height limitations.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-17. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VII.

K. Signs. Please refer to Article IV.

§179-17. Bulk and Use Table
I-1 Light Industrial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
				Side	Rear			
PERMITTED USES								
Animal Hospital	10,000	50	10 – 30	10	50	70	35	1 per employee
Building, Accessory*	N/A	N/A		10	10	N/A	35	N/A
Building, Mixed-Use	10,000	50	10 – 30	10	20	70	35	Cumulative by floor & use
Building, Office	10,000	50	10 – 30	10	20	70	35	3 per 1,000 ft^2
Building, Public	10,000	50	10 – 30	10	20	70	35	3 per 1,000 ft^2
Contractor's Yard	8,000	40	10-30	10	20	70	35	2 per 1,000 ft^2
Convenience Store	8,000	40	10 – 30	10	20	70	35	3 per 1,000 ft^2
Greenhouse, Commercial	10,000	50	10 – 30	10	20	70	35	2 per 1,000 ft^2
Kennel, Commercial	20,000	100	10 – 30	20	30	70	35	1 per 1,000 ft^2
Manufacturing, Light	20,000	100	10 – 30	20	30	60	35	1 per employee
Motor Vehicle Service Station	20,000	100	10 – 30	20	50	70	35	2 per 1,000 ft^2
Motor Vehicle Sales	20,000	100	10 – 30	20	30	70	35	2 per 1,000 ft^2
Outpatient Health Center	10,000	50	10 – 30	10	20	70	35	2 per 1,000 ft^2
Personal Storage Facilities	20,000	100	10 – 30	20	30	70	35	1 per 1,000 ft^2
Place of Worship	10,000	50	10 – 30	10	20	70	25 (min.)	2.5 per 1,000 ft^2
Recreation, Indoor Commercial	20,000	100	10 – 30	10	20	70	35	3 per 1,000 ft^2
Restaurant	10,000	50	10 – 30	10	20	70	35	6 per 1,000 ft^2
Retail, Goods and Services	20,000	100	10 – 30	10	20	70	35	3 per 1,000 ft^2
Warehouse, Wholesale or Distribution Center	20,000	100	10 – 30	20	30	70	35	1 per employee

§179-17. Bulk and Use Table
I-1 Light Industrial

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front Building Setback Range (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
				Side	Rear			
SPECIAL USE PERMITS								
Drive-In Facility	N/A	N/A	50 (min.)	10	20	N/A	N/A	N/A
Homeless Shelter	20,000	100	10 – 30	20	30	70	35	1 per employee
Manufacturing Operations	20,000	150	10 – 30	20	30	60	35	1 per employee
Manufactured Home Park	5 acres	400	10 – 30	40	40	50	35	1 per lot
Parking Garage	40,000	200	10 – 30	20	20	80	35	N/A
Telecommunication Facility or Tower(s)	20,000	200	50 (min.)	50	50	N/A	N/A	N/A

* Not the principal use of the property.
* For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.

§179-18. I-2 Industrial.

A. Purpose and intent. The purpose of the Industrial District (I-2) is to provide for areas where industrial uses have historically been concentrated and will be continued into the future. Industrial operations, which are largely tied to the City's southern waterfront, must respect adjacent transitional areas through the incorporation of buffers, design guidelines, and compliance with performance standards as set forth elsewhere in this chapter.

B. Permitted Uses.

The following uses are permitted in the I-2 District:

(1) Animal Hospital;
(2) Building, Accessory;
(3) Building, Office;
(4) Cultural Use Facility or Museum;
(5) Greenhouse, Commercial;
(6) Manufacturing, Light;
(7) Manufacturing Operations;
(8) Motor Vehicle Service Stations;
(9) Open Space;
(10) Personal Storage Facility;
(11) Place of Worship;
(12) Quarries and Pits; Filling and Excavating;
(13) Restaurant; and
(14) Warehouse, Wholesale or Distribution Center.

C. Uses requiring a special use permit. Certain uses require a special use permit from the Planning Commission, subject to the requirements of §179-24.

The following uses are allowed as special permit uses in the I-2 District:

(1) Adult Use;
(2) Drive-In Facility;
(3) Parking Garage; and
(4) Telecommunication Facility or Tower(s).

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-19. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-19. Uses not listed in the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-19. Uses not listed in the Bulk and Use Table are not subject to impervious surface regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-19. Uses not listed in the Bulk and Use Table are not subject to height requirements.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-19. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Supplementary regulations. Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Regulations Applicable to All Zoning Districts in accordance with Article III, Site Plan Review and Approval in accordance with Article VI, and Subdivision of Land, if applicable, in accordance with Article VII.

K. Signs. Please refer to §179-IV.

§179-17. Bulk and Use Table
I-2 Industrial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Building Setback (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Parking
				Side	Rear		
PERMITTED USES							
Animal Hospital	20,000	100	20	20	20	80	1 per employee
Building, Accessory	N/A	N/A	N/A	20	20	N/A	N/A
Building, Office	20,000	100	20	20	20	80	3 per 1,000 sq. ft.
Contractor's Yard	20,000	200	20	20	50	80	1 per employee
Cultural Use Facility or Museum	20,000	100	20	20	20	80	3 per 1,000 sq. ft.
Greenhouse, Commercial	20,000	100	20	20	20	80	2 per 1,000 sq. ft.
Manufacturing, Light	20,000	100	20	20	50	80	1 per employee
Manufacturing Operations	20,000	200	20	20	50	80	1 per employee
Motor Vehicle Service Station	20,000	100	20	20	50	80	2 per 1,000 sq. ft.
Personal Storage Facility	20,000	200	20	20	50	80	1 per 1,000 sq. ft.
Place of Worship	20,000	100	20	20	20	80	2 per 1,000 sq. ft
Quarries and pits; filling and excavating	20 acres	N/A	N/A	N/A	N/A	N/A	1 per employee
Restaurant	20,000	100	20	20	20	80	6 per 1,000 sq. ft.
Warehouse, Wholesale or Distribution Center	20,000	200	20	20	50	80	1 per employee
SPECIAL USE PERMIT							
Adult Uses	2 acres	400	20	50	50	50	2 per 1,000 sq. ft.
Drive-In Facility *	N/A	N/A	50	20	20	N/A	N/A
Parking Garage	20,000	150	20	20	20	60	N/A
Telecommunication Facility or Tower(s)	40,000	200	50	50	50	N/A	N/A

* Not the principal use of the property.
Note: For buildings located on multiple parcels, bulk and use requirements apply to the aggregate parcel areas.

§179-20. OS Open Space and Conservation.

A. Purpose and intent. The purpose of the Open Space and Conservation (OS) is to preserve the historic, scenic, recreational and environmental value of officially designated parkland, environmentally sensitive areas, heavily wooded areas, and other open spaces, which may or may not be accessible by the public. Further, the intent of the Open Space and Conservation District is to provide areas for the development of new passive and active parks, multi-use trails, and small-scale environmental interpretive sites.

B. Permitted Uses.

The following uses are permitted within the OS District:

(1) Boat Launch;
(2) Open Space;
(3) Outdoor Recreation and Entertainment; and
(4) Swimming Pool (Public).

C. Uses requiring a special use permit.

The following uses require a special use permit within the OS District:

(1) Cultural Use Facility or Museum; and
(2) Telecommunication Facility or Tower(s)

D. Prohibited uses. Uses that are not expressly permitted in this section are prohibited.

E. Lot size. Please see the City of Rensselaer Bulk and Use Table, §179-21. Uses not listed in the Bulk and Use Table are not subject to lot size requirements.

F. Setbacks. Please see the City of Rensselaer Bulk and Use Table, §179-21. Uses not listed in the Bulk and Use Table are not subject to setback requirements.

G. Impervious surface coverage. Please see the City of Rensselaer Bulk and Use Table, §179-21. Uses not listed in the Bulk and Use Table are not subject to impervious surface regulations.

H. Height limitations. Please see the City of Rensselaer Bulk and Use Table, §179-21. Uses not listed in the Bulk and Use Table are not subject to height requirements.

I. Off-street parking requirements. Please see the City of Rensselaer Bulk and Use Table, §179-21. Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in §179-55 of this chapter.

J. Signs. Please refer to Article IV.

§179-21. Bulk and Use Table
OS Open Space and Conservation District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Building Setback (feet)	Min. Setback (feet)		Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
				Side	Rear			
PERMITTED USES								
Boat Launch	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Outdoor Recreation & Entertainment	30,000	200	0 – 20	10	20	60	25	N/A
Swimming Pool, Public	3 acres	300	50	50	50	N/A	N/A	N/A
SPECIAL USE PERMIT								
Cultural Use Facility or Museum	20,000	100	20	20	50	50	45	3 per 1,000 sq. ft.
Telecommunication Facility or Tower(s)	40,000	200	50	50	50	N/A	N/A	N/A

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§179-22. PDD Planned Development District.

A. Purpose and intent. The purpose of the Planned Development District is to provide for the creation of a flexible zoning district to accommodate major new development or redevelopment efforts within the City of Rensselaer. This district provides the mechanisms necessary to ensure compatibility among varied land uses, promote innovative and efficient land uses, and encourage quality site planning and design practices. The district intends to encourage a diversity of uses in a unified plan while ensuring adequate standards relating to public health, safety and general welfare of the public.

B. Establishment of a PDD. A Planned Development District (PDD) may be established within any area of the city. Such PDD may be established only if the Planning Commission and the Common Council find that the objectives and provisions of this Local Law are satisfied, and the proposed development is full consistent with the spirit and intent of the adopted City Comprehensive Plan.

C. Procedure. The procedure for submitting an application and receiving approval of a PDD shall be as follows:

(1) Pre-filing conference. The applicant or representative shall meet with the Director of Planning and Development to informally discuss the proposed project and application procedure prior to any formal submission.

(2) Preliminary site plan submission requirements. The owner shall submit a preliminary site plan that shall consist of the following:

(a) Survey of the property, showing existing features of the property including contours, buildings, structures, trees over four inches in diameter, streets, utility easements, rights-of-way and adjacent land uses.

(b) Proposed site plan showing building locations, occupancy and land use areas, including any subdivision intended within the district.

(c) Proposed traffic circulation, parking areas, pedestrian walks and landscaping.

(d) Proposed construction sequence for buildings, parking areas and landscaped areas.

(e) Proposed public utilities plan, including water supply, sewerage and stormwater drainage.

(3) Preliminary site plan procedure. After informal agreement on the suitability of the proposed project and its conformance with the City Comprehensive Plan, the application shall submit four (4) copies of a preliminary site plan to the City of Rensselaer Planning Commission for review at least ten (10) days prior to its regular meeting. The Planning Commission shall prepare recommendations to the applicant with regard to the preliminary site plan. The applicant shall proceed in either of the following manners, as determined appropriate by the Planning Commission.

(a) Conformance with underlying zoning district. If the proposed development project consists of uses and densities already permitted in the applicable zoning district, the Planning Commission approval authorizes the applicant to prepare and submit a Final Plat without the need for approval by the Common Council of a zoning amendment. This type of coordinated development may be used for cluster development or design variations where building bulk, spacing, and open space are adjusted with flexibility to the land while the use and density

limitations of the original zoning district are strictly observed. The Planning Commission has authority to approve this type of design adjustment under Section 37 of General City Law.

(b) Non-conformance with underlying zoning district. If the proposed development project, proposed uses, or overall densities are not permitted in the applicable zoning district, the amendment procedure specified in Article VIII of this Local Law shall be followed. Under such circumstances, the Planning Commission shall transmit the application to the Common Council for review. If the Common Council determines the application is warranted, the Common Council shall conduct a public hearing, as required by Article VIII to consider a zoning map amendment to re-designate the area a PDD. The PDD shall be governed by the specific preliminary site plan approved by the Planning Commission, or as specifically amended by the Common Council as condition of its approval. If the amendment is approved, the applicant may proceed to the Final Site Plan. The approved preliminary site plan shall be binding on final site plans and future development of the project, unless amended by the same procedure.

(3) Final site plan submission requirements. The final site plan shall conform fully with the use, density and basic design expressed by the approved preliminary site plan. Such approved site plan shall become part of this Local Law and shall be maintained in the permanent files of both the City Clerk and the Director of Planning and Development. The Final Site Plan shall be filed with the City Planning Commission in accordance with the procedures and requirements identified in Article IV and Article VII of this Local Law. Furthermore, the final site plan shall include:

(a) Site plan showing proposed building locations and land use areas.

(b) Traffic circulation, required parking and loading areas and pedestrian walks.

(c) Landscaping plan, including site grading and landscape planting and structures.

(d) Preliminary drawings of buildings to be constructed in the current phase including floor plans, exterior elevations and sections.

(e) Final engineering plans, including street improvements, drainage system and public utility extension.

(f) Engineering feasibility studies for the solution of anticipated problems that may arise due to the proposed development, as required by the City Engineer.

(g) Offers of cession and proposed restrictive covenants.

(h) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, as applicable.

(i) Complete documentation of means for the continual maintenance of common open space and buildings.

(4) Final site plan procedure.

(a) Final site plan approval. If required, a public hearing shall be held within forty-five (45) days of its submission in final form. The Planning Commission shall approve, conditionally approve with or without modifications, or reject the Final Site Plan within forty-five (45) calendar days of submission or public hearing, as applicable. If modifications are required,

the applicant shall submit a modified final site plan. In the case of rejection, the applicant shall either resubmit for preliminary site plan approval, or waive rights or further consideration, thus terminating the proposal.

(b) Building permits and filing requirements. A copy of the approved final site plan shall be transmitted to the Building and Zoning Administrator who shall be authorized to issue building permits and/or certificate of occupancy for approved construction and uses in strict accordance with the approval construction and uses in strict accordance with the approved final site plan. The applicant shall also file a copy of the final site plan in the office of the Rensselaer County Clerk within sixty (60) calendar days of the approval, as may be required.

(c) Staging. Final site plans may be submitted for Planning Commission approval in stages and do not have to be submitted to cover the entire project development at any one time. Staged final site plans shall be submitted and building permits applied for according to a general time schedule agreed upon by the Planning Commission during the preliminary site plan approval process.

D. Uses permitted. Uses within an area designated as a PDD shall be determined by the provisions of this section and the approved plan for the proposed project. In particular:

(1) Residential dwelling units, private garages, storage spaces, recreational and community facilities maybe permitted, as appropriate, within the PDD.

(2) Commercial, services, and non-residential accessory uses may be permitted where such uses are scaled to serve the residents of the PDD and the surrounding neighborhoods, as necessary.

(3) Commercial, Service, industrial and other non-residential uses may be permitted as principal uses, as identified through market analysis, and when such uses are integral to and supportive of the PDD and surrounding neighborhoods in terms of work force, design and character, and when consistent with the City Master Plan.

E. Development Area. The minimum development area to qualify for a PDD shall be five contiguous acres of land.

F. Off-street parking. Off-street parking shall conform to the standards of the most appropriate zoning designation or designations. The minimum number of spaces may be reduced if adequate parking is demonstrated or if it can be demonstrated that the PDD enables lesser parking requirements.

§179-23. Historic Overlay District.

A. Purpose and intent. The purpose of the Historic Overlay District (HOD) is to preserve, maintain, and enhance the integrity of designated areas within the City that are historically significant or contain significant historic structures. The Historic Overlay District further:

(1) Provides a process for reviewing proposed alterations and restorations of historically significant structures;

(2) Outlines a process for ensuring new development is consistent with the character of established historic districts and areas;

(3) Identifies a means to deter demolition, inappropriate alterations, and neglect of historic or architecturally significant sites; and

(4) Fosters civic and community pride in local history and architectural beauty represented in the City's historic neighborhoods and buildings.

B. Permitted Uses. All permitted and special permitted uses in the base zoning district in which the Historic Overlay District is defined are allowed.

C. Boundaries. The following areas are hereby incorporated into the Historic Overlay District:

(1) Fort Crailo Neighborhood is bounded by the Hudson River to the west, Route 20 to the north and east, and Rensselaer Avenue to the south.

(2) Bath Neighborhood is bounded by the Hudson River to the west, Washington Avenue to the north, Broadway to the east, and Tracy Street to the south.

D. Required Approvals. Prior to any new construction, demolition, addition, or modification to the exterior of an existing structure located in the Historic Overlay District, the project must be reviewed and approved by the Planning Commission. Upon approval, the Planning Commission will issue a Certificate of Appropriateness. No demolition or building permit shall be issued until a Certificate of Appropriateness is granted. The following types of projects in Historic Overlay Districts require review and approval by the Planning Commission:

(1) Construction of a new building or accessory building.

(2) Any addition or alteration of a building which increases the square footage of the building or substantially alters its height, size, contour, or general form.

(3) Any change or alteration of the exterior architectural style or color of design elements, including removal, redesign or painting of porches, openings, dormers, siding, material, chimneys, structural elements, awnings, or columns.

(4) Addition to or removal of one or more stories or alteration of a roof line.

(5) Landscaping which involves significant changes to grades, including walls or fences more than three feet in height.

(6) Any other action deemed by the Planning Commission to have a substantial effect on the character of the historic district.

E. Procedures for Demolition, Addition or Modification.

(1) Pre-filing conference. The applicant or representative shall meet with the Director of Planning and Development to informally discuss the proposed project and application procedure prior to any formal submission.

(2) Submission Requirements. Three (3) copies of the following must be submitted to the Planning Commission for review and approval in association with the granting of a Certificate of Appropriateness.

(a) Plans showing all historic elements associated with site or structure, including existing materials and date of construction.

(b) Site and/or architectural plans showing proposed alterations to site, structure, or building, including any materials to be removed, added, or altered.

(c) Narrative explanation of proposed changes, including any reasons or justifications for proposed alterations, demolition, or addition.

(d) Detailed plans or drawings of any proposed signage.

(e) Site and/or planting plans for any playground, park, parking lot, parking structure, or significant landscape alterations, including fence installation.

(f) Sketches or drawings of any sculpture, statuary, fountain, monument, or historical markers.

(g) Illustrations of examples of any street furniture proposed, including lampposts, street signs, benches, trash receptacles, kiosks, interpretive signage, or other similar item.

F. Additional Demolition Procedures. The following procedures shall also apply to any application for a demolition permit for a structure that is located in a Historic Overlay District.

(1) Withholding of Approval. If the Planning Commission determines the building or structure proposed for demolition has historic, architectural, or cultural value, the Commission may withhold approval of demolition for a period not to exceed 180 days, from the date of Commission action.

(2) Purpose. The delay shall be for the purpose of providing time to explore alternatives to demolition. The Planning Commission may direct the Director of Planning and Development to consult with historic preservation organizations, civic groups, public agencies and interested citizens; make recommendations for acquisition of property by a public or private body; explore the possibility of relocating structure; or take other reasonable efforts aimed at preserving the structure.

(3) Demolition by Neglect. The City shall require maintenance and repair of all structures and buildings within the Historic Overlay District to stop demolition by neglect which can jeopardize the historic character of the neighborhood and create hazardous and life threatening conditions. To this end, all buildings and structures shall be preserved against decay and deterioration to the

extent that such decay or deterioration may result in irreparable deterioration of any exterior feature or produce a detrimental effect upon the character of the district.

G. Review Standards. Before any exterior improvements, as defined by §179-23D, are made to any public or private property or public place within a Historic Overlay District, the project must be reviewed and approved by the Planning Commission. The following review standards shall be considered by the Planning Commission when making a determination on an application.

(1) General Guidelines.

(a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration.

(b) The distinguishing original qualities or character of a building, structure, or site shall not be destroyed or removed.

(c) General design, character, and scale of proposed alterations and additions should be compatible with building and surrounding Historic Overlay District.

(d) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and seek to create an earlier appearance shall be discouraged.

(e) Violent contrasts of materials and colors, spectacular effects, intense colors, or incongruity in details which result in a disturbed appearance not consistent with the character of the historic district shall be deemed inappropriate.

(2) Materials.

(a) The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible.

(b) The replacement of existing materials, such as roofing, shall be with in-kind materials to the extent practicable. Substitute materials should be compatible with the remaining historic context of building or structure. Replacement materials shall not include vinyl or aluminum.

(c) The removal of wood features, such as clapboards, siding, and decorative trim, which help to convey a building's historic character shall be avoided when possible.

(d) Vinyl and aluminum siding shall not be considered an appropriate preservation treatment.

(3) Architectural Features.

(a) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.

(b) Building style, period of construction, materials, and existing setting shall be considered when selecting an appropriate paint color.

(c) Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs.

(d) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

(e) The number, size, location, or shape of original windows visible from the public right-of-way should not be altered. Exterior storm windows should duplicate the shape of the original window.

(f) When the repair of materials and limited replacement of deteriorated or missing parts is feasible, original windows should not be replaced.

(4) Maintenance.

(a) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting, high-pressure water washing and other cleaning methods that will damage the historic building material should not be undertaken.

(b) Replace only those portions of a building that are deteriorated.

(5) Additions.

(a) Additions shall be designed so there are subtle distinguishing characteristics between the historic portion and new alteration.

(b) Additions should never appear as old, or older, than the original building.

(c) Rooftop additions are discouraged. If necessary, they must be setback from the main façade so as to not be visible from the public right-of-way.

(d) Full floor additions to the top of buildings shall be prohibited.

(e) Additions should not exceed 50 percent of the square footage of the existing historic structure.

(f) The scale, form, and proportions of the existing structure should be maintained in the addition, including roof shape, building envelope, materials, and decorative elements.

(g) Additions should not be made to the front façade of a building.

(6) New Construction.

(a) Generally, historic structures or landscapes shall not be demolished to make room for a new construction project.

(b) Contemporary design for new construction shall not be discouraged when it does not destroy significant historical, architectural, or cultural material.

(c) Infill construction should be designed to be compatible with the average height, massing, and width of surrounding buildings. The rhythm and proportions of new facades should reflect the characteristic rhythm of existing surrounding buildings.

(d) Materials should be sympathetic to surrounding historic buildings and should be a complementary color, texture, and level of craftsmanship. Traditional materials, such as wood, brick, and stone, are preferred.

(e) New construction should have a floor-to-floor height that is within ten percent of adjacent historic construction when the floor-to-floor height is a consistent and character-defining feature.

(f) No historic resource shall be harmed by the construction of new roadways or utility repairs associated with a new construction project.

(g) New construction should provide barrier-free access under the provisions of the American Disability Act. Solutions should be compatible within the historic context.

(h) Setbacks for new construction should be within ten percent of neighboring buildings, as allowed within the underlying zoning district.

(7) Landscaping and Site Features.

(a) Landscaping should be appropriate to the scale and unique features of the Historic Overlay District.

(b) Existing characteristic features, such as retaining walls, stairs, landscape materials, paving materials, fencing and walkways that reflect the history and development patterns of the neighborhood should be retained.

(c) Chain link fencing and concrete block walls should not be installed in locations visible from the public right-of-way.

(d) Restore and reuse original landscaping materials to the extent practicable.

(e) Preserve large mature trees and shrubs to the extent practicable.

(8) Signage and Awnings.

(a) All signage must comply with regulations identified in Article IV.

(b) Sign sizes should be minimal to avoid obscuring architectural details and to avoid clutter. Required signage should be kept simple and easy to read and should reflect the character of the business and building.

(c) Signage should be integrated into the architectural design of the building and should not dominate the façade or site.

(d) Preferred sign materials include painted or carved woods signs, smooth surface metal signs, and lettering applied to glass.

(e) Backlit plastic signs, rooftop signs, and billboard signs should not be used.

(f) Awnings should only be used when appropriate for the use and historic context. Awnings shall not be added to buildings which have not historically had awnings. Rigid awnings are prohibited.

H. Exemptions to Certification of Appropriateness. Within the Historic Overlay District certain minor actions are deemed not to have permanent impacts on the character of the district and are exempt from the requirement to seek and obtain a Certificate of Appropriateness from the Planning Commission. These minor actions include:

(1) Repainting a structure or building in the same color or very similar color as currently exists.

(2) Replacing missing or broken window panes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames or shutters where no substantial change in design or material is proposed.

(3) Addition or removal of window gardens in an existing window opening.

(4) Addition or removal of portable air conditioners located in existing windows, doors, or other existing wall openings.

(5) Addition or removal of television and radio antennas or skylights and solar collectors in locations not visible from a public street or right-of-way.

(6) Landscaping involving the installation of flowers, shrubs and trees, walkways, temporary fencing, small fountains, and low retaining walls, which do not substantially affect the character of the property.

(7) Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct deterioration, decay, or damage.

ARTICLE III. Regulations Applicable to All Zoning Districts.

§179-24. Special use permits.

A. Purpose and intent. The purpose of this section is to provide greater flexibility in the placement of certain kinds of uses when, because of their unique characteristics, these uses are such that they can be compatible with and complementary to the uses now permitted in the zone, provided that appropriate safeguards are imposed. Additionally, this section intends to provide the framework for adequate review and tighter control of certain uses which have a marked effect on the surrounding area due to their unusual design, operational characteristics, or the amount of traffic they generate.

B. Authorization to grant or deny special uses. The special uses listed in this chapter may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this section and such additional standards as may be set forth for such special uses elsewhere in this chapter. The zoning variance procedure before the Zoning Board of Appeals shall not be used to acquire authorization to enlarge, modify or otherwise alter a special use or to amend a special use permit. Such authorization may be granted by the Planning Commission, only. In permitting a special use or the modification of a special use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the chapter, any additional conditions the Planning Commission considers necessary to protect the best interests of the surrounding properties or the City of Rensselaer as a whole. These conditions include, but are not limited to, controlling the location and number of vehicle access points, limiting the number, size and location of signs, and required diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. In the case of uses existing prior to the effective date of this chapter and classed in this chapter as special use, any change in use, lot area or an alteration of structure shall conform with the requirements dealing with special uses.

C. General standards. The following general standards apply to all special permit uses:

(1) The use shall be so designed, located and operated to ensure protection of the public health, safety and welfare.

(2) The use shall not cause substantial injury to the economic value of other property in the neighborhood where it is to be located.

(3) The use shall be compatible with other adjoining development and the character of the zoning district where it is to be located.

(4) Adequate landscaping and screening shall be fully provided.

(5) Adequate off-street parking and loading shall be provided, and ingress and egress shall be designed to cause minimum interference with traffic on abutting streets.

(6) The use shall conform with all applicable regulations governing the zoning district where it is to be located.

D. Procedure for application and review.

(1) Application requirements. If a use is only permitted by special use permit, as set forth in the Bulk and Use Tables, the applicant shall make a written application for review and approval to the

Planning Commission on official forms provided by the Planning Commission. At a minimum, the application shall include the following:

(a) The applicant's name, address and interest in the subject property.

(b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.

(c) The street address and legal description of the subject property.

(d) An application for site plan approval, as required by Article VI.

(e) A written statement addressing the standards relevant to the proposed use and other regulations outlined in this article pertaining to specific uses, and stating specifically how the proposed special use permit relates to and meets each standard.

(f) A map showing the property and all properties within a radius of 500 feet to the exterior boundaries thereof.

(g) Plans and elevations necessary to show the proposed development and other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties as required by this chapter.

(h) Any additional information which may be required to demonstrate compliance with any additional standards imposed on the special use permit by the particular provision of this Article authorizing the special use.

(2) Fee. Every application for a special use permit shall be accompanied by a fee, which shall be set from time to time by the Planning Commission of the City of Rensselaer and posted in the City Clerk's office.

(3) Public hearing on special use. Before a special use is permitted, the proposed special use shall be considered by the Planning Commission at a public hearing.

(a) The Planning Commission shall set a time and place for a public hearing on any such application for special use permit, and shall provide public notice at least five (5) days prior to the date on the official newspaper of the City of Rensselaer.

(b) The City Clerk shall also, insofar as practicable, mail notices of the hearing to all property owners, as appearing on the latest tax roll of the City, within a two-hundred-foot radius regardless of whether or not the owner resides therein, unless the City Clerk has definite knowledge of other addresses of absentee owners. Compliance with this subsection shall not be a condition precedent to proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this section.

(c) The Planning Commission may deny, approve or approve with conditions a special use permit. Reasonable conditions or safeguards may be imposed upon approval of a special use to reduce to a minimum any detrimental effect.

(4) Required referral. A full statement on any application for special use permit that meets the referral requirements of Section 239 (1) and (m) of the General Municipal Law shall also be referred to the

Rensselaer County Bureau of Planning for its review. No action shall be taken by the Planning Commission on such application until an advisory recommendation has been received from the Bureau of Planning or thirty (30) days have elapsed since the Bureau received such full statement.

(5) Decisions. Every decision of the Planning Commission shall be recorded in accordance with the standard forms adopted by the Commission. Every decision shall be by resolution of the Commission, by majority vote thereof, and notification shall be provided to the applicant within five (5) days after the decision has been rendered. Each such decision shall be filed in the office of the City Clerk within ten (10) calendar days thereof.

(6) Expiration of approval. Unless construction or use is commenced and diligently pursued within six (6) months of the date of issuance of the special use permit, such special use permit shall become null and void.

§179-25. Home occupations.

See definition in Article I. Home occupations are permitted within structures that are in accordance with the Bulk and Use Tables for the district in which the structure sits.

A. Purpose. The general purpose of the home occupation regulations is to ensure that home occupations are compatible with the residential character of the residential districts in which they are located.

B. Permitted home occupations. All permitted home occupations are subject to the requirements and procedures of site plan review and approval as set forth in Article VI of this chapter. To be deemed a home occupation, the use must be clearly incidental, accessory, and secondary to the residential use of the property. Subject to the requirements herein and notwithstanding anything to the contrary set forth above, customary home occupations include but are not limited to the following:

(1) Office facilities for accountants, architects, brokers, engineers, land surveyors, lawyers, insurance agents, realtors and practitioners of similar occupations.

(2) Office facility of a salesperson, sales representative or manufacturer's representative. This use is subject to the specific limitations contained elsewhere in this section.

(3) Office facilities for ministers, priests, rabbis, or other religious leaders.

(4) Home crafts, such as model making, rug weaving, and lapidary work.

(5) Workshop or studio for an artist, photographer, graphic designer, website designer, craftsman, writer, composer, dressmaker, tailor or computer programmer.

(6) Facilities for instruction to not more than three pupils at any given time, such as in music, dance, art or crafts.

(7) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.

(8) Limited barbershop and hairstylist. This use is subject to the specific limitations contained in elsewhere in this section.

(9) All other home occupation uses which are customary in residential areas and which can be conducted without substantial change in the appearance, character, or generation of pollution and traffic of the residence.

C. Prohibited home occupations. Notwithstanding anything contained herein to the contrary, permitted home occupations shall not in any event be deemed to include:

(1) Nursing homes, medical clinics or hospitals.

(2) Antique or furniture shops.

(3) Barbershops, hairstylists or beauty salons except for limited barbershops and hairstylists in accordance with the limitations contained elsewhere in this section.

(4) Funeral homes, mortuaries or embalming establishments.

(5) Restaurants or bars.

(6) Private clubs or lodges.

(7) Stables, kennels or animal hospitals.

(8) Boardinghouses, tourist homes or bed and breakfast establishments.

(9) Renting of trailers.

(10) Garage or shop for the repair of motor vehicles.

D. General standards.

(1) The profession or other occupation shall be carried on wholly within the dwelling or customary accessory buildings.

(2) Only the members of the household occupying the premises and a maximum of one non-resident employee may conduct the activity. A non-resident employee shall be permitted to assist with the operation of a home occupation subject to the following requirements and limitations:

(a) Participation by the non-resident employee shall be in a subordinate capacity only, incidental to the conduct of the home occupation as, for example, the services of a clerical assistant.

(b) The non-resident employee shall not participate, totally or partially, in the capacity of an additional practitioner or professional, or as a partner or professional associate.

(2) Except for articles produced on the premises, no stock-in-trade shall be stored on the premises. Individual samples of specific goods available for sale, whether produced on the premises or elsewhere, may be kept on premises, in a limited quantity, for customer viewing.

(3) No more than 25 percent of the total floor area of the dwelling unit or more than 300 square feet of floor area, whichever is lesser, shall be utilized in the conduct of the home occupation.

(4) No offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be produced by the home occupation. All home occupations are additionally subject to the regulations found in §179-60.

(5) In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character or from residential character generally, except that a single non-lighted sign, not exceeding one square foot in area and install on the building, shall be permitted for the purposes of business identification.

(6) Not more than one home occupation may occur on a residential lot.

(7) No outdoor display of goods or outdoor storage of goods, equipment or material used in the home occupation shall be permitted.

(8) The sale of property at retail is prohibited, except as a minor or subordinate part of a permitted home occupation use or except as a mail-order business.

(9) No traffic shall be generated by such use in any greater volume than would normally be expected from a single dwelling unit in the residential neighborhood in which the use is to be located.

(10) The use of any part of the lot for off-street parking or loading, other than the existing driveway, interior access drive and parking area, shall be prohibited. Sufficient off-street parking shall be provided as required by §179-55.

(11) Signs advertising the home occupation are subject to the requirements in Article IV.

§179-26. Bed and breakfasts.

The purpose of bed and breakfast regulations is to ensure that operations are compatible with and do not disrupt the residential neighborhoods in which they are located. A bed and breakfast establishment is permitted in accordance with the Bulk and Use tables, subject to the following standards.

A. A bed and breakfast shall only be established in a single-family detached dwelling.

B. A maximum of five guestrooms and a maximum of ten overnight guests at any time shall be permitted in any one bed and breakfast establishment.

C. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may only be provided to overnight guests, except in the case of special events or similar functions, subject to the requirements in §179-37.

D. All parking areas on property (except driveways) shall be behind the required building setback line and shall be screened from the view of adjacent residences to a height of six feet by a solid screening fence, or by dense shrubs and vegetation.

E. The operator of the bed and breakfast shall be a full-time resident of the dwelling in which the bed and breakfast establishment is housed and shall have no on-premises employees, except the owner or family member.

F. No exterior evidence of the bed and breakfast establishment shall be allowed, except for parking and either one attached wall sign no larger than eight square feet, or one freestanding sign in the yard no larger than 12 square feet, and located at least five feet from any lot line. No additional advertising of any kind is allowed on site. The Planning Commission shall have discretion regarding the location of the attached or freestanding sign.

G. An event application shall be filed for special events or similar functions to be held on the premises. Guests for such events shall be limited to a total of 30 (including overnight guests). In cases where an application is required, the following procedure shall be adhered to.

(1) Event application. An event application shall be made in writing and submitted to the City upon forms prescribed by and provided by the City of Rensselaer and shall contain the following information:

(a) The name, address and telephone number of the applicant.

(b) Location of buildings, structures or land to which, or upon which, the event is to be held.

(c) Date, time, duration, and expected number of guests for the event.

(d) An explanation as to how the impact to surrounding properties will be mitigated. Such explanation shall address parking, noise, and visual impacts.

H. The Planning Commission shall use as criteria for the granting of a special use permit:

(2) The square footage of the property dedicated to the use of the business compared to the total square footage of the building or buildings intended for the business usage.

(3) Adequate parking site adjacent to or available to the building intended for the use.

(4) Use of surrounding properties and density of dwellings proximate to the subject property.

(2) Upon renewal, violation of any law, rule, regulation or ordinance of the City of Rensselaer, the State of New York or the United States of America arising out of the use of the property as a bed and breakfast.

(3) Any other matter which impacts (either positively or negatively) upon the zone where the special permit is intended to be used or upon the community as a whole.

I. The Planning Commission shall, as part of any vote to grant or deny a special use permit, set forth its determinations in the record.

J. The Zoning Board of Appeals shall have the authority to impose additional reasonable conditions and restrictions as are directly related to and incidental to the proposed bed and breakfast establishment.

K. Special use permits shall expire five years from issuance, or upon sale of the building so used, or upon the owner no longer continuously occupying and operating the business, whichever shall sooner occur.

§179-27. Manufactured home parks.

The purpose of these regulations is to permit a more liberal mixture of housing options while ensuring that manufactured home parks are safe and sanitary for human habitation and are compatible with surrounding land uses. Manufactured home parks are permitted in accordance with the Bulk and Use tables and are subject to the following standards.

A. All pre-existing single-wide manufactured homes installed and occupied pursuant to this section shall conform to the New York State Code, Rules and Regulations.

B. All manufactured homes installed and occupied pursuant to this section shall also comply with such additional construction regulations as may be adopted by resolution by the Planning Commission.

C. All single-wide manufactured homes must be located in a manufactured home park.

D. All manufactured homes located in a manufactured home park must be skirted prior to the issuance of a Certificate of Occupancy.

E. No manufactured home or communal recreation area in a manufactured home park shall be located within 40 feet of a pre-existing single-family or two-family residential lot.

F. Private roads providing access to individual lots in a manufactured home park shall have pavement as required by the Department of Public Works.

G. Every manufactured home park shall provide common recreational open space furnished with suitable equipment at a standard of 100 square feet per dwelling unit with a minimum area of 1,600 square feet per area.

H. Manufactured home parks shall be served by public water and sanitary sewers.

§179-28. Motor vehicle service stations.

The purpose of this section is to mitigate potentially harmful impacts stemming from the presence and operation of motor vehicle service stations by controlling ingress and egress, setbacks, buffers, and operations.

A. In addition to the information required for Site Plan Review, as specified in Article VI, the site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth of placement below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.

B. All fuel pumps shall be located at least 15 feet from any street or property line.

C. The entire area of the site traveled by motor vehicle shall be hard-surfaced.

D. Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site, except in accordance with an approved site plan. No motor vehicle parts or partially dismantled motor vehicle parts or partially dismantled motor vehicle shall be stored outside of an enclosed building.

E. Up to five unlicensed motor vehicles may be temporarily stored for a period not to exceed two months, at a repair or service establishment if adequate off-street parking spaces are available.

F. Ingress and egress. Ingress and egress points shall be located a minimum of 40 feet from the intersection of right-of-way lines of any streets.

G. Landscaped area. A five-foot wide landscaped area shall be provided along all gasoline service station property lines, excluding points of ingress and egress and property lines adjacent to existing commercial uses. The landscaped area shall be densely populated with a mixture of shrubs, trees and fence to create a screen.

H. Accessory uses; gasoline service stations. Other than the sale of cigarettes, candy, soft drinks and other items from vending machines in an effectively screened area, the following accessory uses shall be permitted in gasoline service stations only pursuant to a special use permit procedure:

(1) Rental trailers. An additional 100 square feet of area shall be provided for each rental trailer. Not more than 10 rental trailers shall be stored on site at one time. Storage shall be to the rear of the front building line.

(2) Rental trucks. An additional 200 square feet of area shall be provided for each rental truck. Not more than eight trucks shall be stored on a site at any one time. Storage shall be to the rear of the front building line.

(3) Rental combination. Where both trailers and trucks are offered for rent, not more than 12 units total shall be located on a site at any one time.

(4) Convenience Stores. This retail business establishment may be permitted as an accessory and subordinate use subject to the following regulations:

(a) A gasoline service station must contain a minimum lot area of 12,500 square feet.

(b) The total building area shall occupy no more than 30 percent of the lot. Building area excludes canopy covers, pump islands, and product dispensers.

(c) The Zoning Board of Appeals and the Planning Commission shall have the authority to impose such reasonable conditions and restrictions as are related to, and incidental to, the proposed accessory use. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such use may have on the neighborhood or community, and to protect, preserve and advance the intent of this chapter.

I. Accessory goods for sale may be displayed outdoors on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be placed on the respective island if provided for in a suitable stand or tank.

J. No motor vehicle establishment with fuel-dispensing equipment shall be located within 300 feet of any public entrance to a church, school, library, hospital or charitable institution. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.

K. The architecture, materials, and color scheme of canopies over pump islands shall be consistent with and reflect the design of the primary building of the establishment. Illumination originating from a canopy shall only be directed towards the ground. Canopies shall not be any larger than is necessary to contain extinguisher systems, fuel supply systems, and other necessary utilities.

L. No new or used motor vehicles shall be sold or exhibited for sale on any part of the lot.

M. No motor vehicles left for service shall be parked nearer than 30 feet to the street line or lines of the lot, nor left on the lot for a period exceeding 30 days.

§179-29. Kennels.

The purpose of this section is to ensure the safe and sanitary operation of kennels in conjunction with surrounding land uses. Kennels shall be subject to the following requirements:

A. Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.

B. Demonstration that all animals will be confined to the property.

C. Demonstration of adequate methods for sanitation and sewage disposal.

D. Every kennel and its associated outside dog runs shall be located at least 150 feet from the nearest dwelling (other than the owner or user of the property) and at least 50 feet from any lot line.

§179-30. Quarries and pits; filling and excavating.

The purpose of the regulations found in this section is to mitigate nuisances associated with quarries and pits or filling and excavating activities. In addition, these regulations provide for operational safety and adequate buffering from adjacent activities. Quarries and pits; filling and excavating are subject to the following requirements.

A. Mining and excavation, including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil and any aggregate material shall be permitted, provided that:

(1) Any excavation or filling, including removal of topsoil, shall require Site Plan Review by the Planning Commission in accordance with the requirements of this section and the requirements specified in Article VI.

(2) All applicable state and federal regulations shall be fully complied with.

(3) A time schedule for completion of either the entire operation or each stage of the operation is submitted for approval.

(4) An operations plan, including the number and types of trucks and other machinery to be used on and off the site, is submitted for approval.

(5) A performance bond to assure proper rehabilitation of the site is posted in an amount approved by the Planning Commission.

(6) All such applications for a special use permit shall be prepared by a licensed professional engineer and accompanied by further documentation, as may be required by the Planning Commission.

B. General standards.

(1) Placement of fill must be in accordance with Planning Commission approved Site Plans, particularly sections in relation to drainage, erosion control and flood hazard prevention. Installation or improvement of natural or constructed drainage channels may be required to assure adjacent property owners are not negatively impacted by fill activities.

(2) A buffered area of not less than one hundred-fifty (150) feet is established between the operation and the nearest property line.

(3) Any grade alteration, which involves removal of vegetation, but no built improvements on an area greater than 5,000 square feet, shall be seeded to provide an effective cover crop within the first season after initiation of the grade change operation.

(4) Only unregulated fill materials, such as uncontaminated soil, asphalt, brick, stone, concrete, glass and organic debris from the premises may be used in such fill activities.

(5) Any special use permit issued for such uses shall be restricted to an area not to exceed fifty (50) acres and a time period not to exceed two years.

§179-31. Temporary uses and structures.

The purpose of these regulations is to provide for the termination of uses and structures which are temporary in nature to protect and maintain the character of the underlying zoning district. Temporary use permits may be issued by the Building and Zoning Administrator for a period not exceeding one year or end of project, whichever is lesser, for non-conforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials, a real estate office located on the tract being offered for sale or a temporary dwelling, such as a recreational vehicle with appropriate provisions for water supply and sewage disposal used during construction of a dwelling, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit or issuance of any applicable Certificate of Occupancy. Such permits may be renewed upon application to the Building and Zoning Administrator for additional periods not exceeding one year.

§179-32. Swimming pools.

The purpose of this section is to protect the general public from the hazards and nuisances that may be associated with private swimming pools. Residential swimming pools shall comply with the Property Maintenance Code of New York State, as well as other relevant sections of the New York Code, Rules and Regulations. Pool and deck placement shall comply with structure setback requirements of the applicable zoning district. In addition, swimming pools shall be subject to the following requirements:

A. Location. All swimming pools and the appurtenances thereto shall be constructed and located so as to have a yard not less than four (4) feet in width on all sides except where the pool is attached to, or part of, a principal structure.

B. Setback for corner lots. All swimming pools constructed on corner lots shall conform to the setback required for a principal residential structure on the secondary or side streets.

C. Fences. For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than four feet nor more than six feet in height. For pools projecting above the ground and which are self-enclosed by the exterior projections thereof, said enclosures shall be

construed to satisfy the requirements of this provision, provided they are not less than four feet in height above the ground, and provided further that any openings in the enclosure affording access to the pool proper be provided with a gate containing an automatic or manual locking device affixed in such a manner as to exclude small children.

D. Artificial lighting. Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.

E. Maintenance equipment. All heating, filtering, disinfectant and recirculation equipment shall not be located at any point within ten feet from adjacent property lines and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties; no equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odors would be considered obnoxious or dangerous to the health and safety of the public.

F. Municipal pools excluded. The provisions of this subsection shall not be applicable to municipally owned and operated swimming pools.

§179-33. Accessory dwelling units.

The purpose of this section is to provide affordable and flexible housing opportunities where public facilities and services are available while minimizing the impacts on adjacent residences. Accessory dwelling units are subject to the following regulations.

A. The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit and continue to occupy one of the dwelling units as their primary residence, except for bona fide temporary absences.

B. An owner of a lawful single-family use shall be permitted only one accessory dwelling unit.

C. An accessory dwelling unit may be located either in the principal building or in a detached accessory building.

D. Design of and exterior material on accessory structures should be the same as or similar to those used on the primary structure.

E. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.

F. Any new separate or outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building.

G. No accessory structure shall be located closer to the street than the front yard setback required for principal structure in the district in which such accessory structure is located.

H. The area for an accessory dwelling unit shall not exceed 35 percent of the area of the principal dwelling unit or 400 square feet, whichever is lesser.

§179-34. Drive-through or drive-in facilities.

The purpose of this section is to minimize the impact of drive-in or drive-through facilities on adjacent land uses by regulating ingress and egress, noise, and design. In addition to the standards specified in this section, drive-in or drive-through facilities are subject to the regulations found in §179-60 of this chapter.

A. All vehicle stacking areas shall be clearly identified through the use of pavement markings, signs and/or curbing and landscaping features and shall be designed so they do not interfere with safe pedestrian and vehicle circulation on the site or along the public right-of-way.

B. Each stacking space shall be no less than ten (10) feet in width and twenty (20) feet in length. Each drive-in facility shall provide a minimum of six (6) stacking spaces. Each drive-in facility shall additionally provide a bypass lane of at least ten (10) feet in width.

C. All drive-in establishment vehicle stacking areas shall be located a minimum of 30 feet from any lot line adjoining a residential property.

D. Any speaker system installed as part of the drive-in establishment shall be located a minimum of 50 feet from any property line adjoining a residential property, and not exceed 60dBA.

E. Drive-in facilities shall be sited and designed in such a way to reinforce the walkable, historic characteristics of the city and shall pay special attention to the relationship between the building and the public street.

F. Minimum lot size shall be 25,000 square feet.

G. The capacity of the drive through stacking lanes should not interfere with the overall traffic flow within the parking lot.

H. Each parcel with a drive-in facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.

I. Menu boards shall be a maximum of 20 square feet with a maximum height of five feet and shall be shielded from any public street and residential properties with decorative treatments and landscaping.

J. Landscaping along exterior lot lines shall include a 5- to 10-foot wide vegetative buffer of deciduous trees and shrubs or a six-foot fence screening constructed of low maintenance natural materials, including brick, stone, or wood with a vegetative buffer of 2-5 feet from the exterior lot lines.

K. Luminaries or lighting fixtures shall not exceed sixteen (16) feet in height in vehicular areas and ten (10) feet in height in pedestrian areas.

L. Flood and area lighting shall be prohibited.

M. No outdoor lighting shall have an intensity greater than 0.5 foot-candle at the development property line.

§179-35. Telecommunications facilities.

A. Legislative intent. The City of Rensselaer recognizes the increased need and demand for wireless communications transmitting facilities. Often these facilities require the construction of a communications tower. The intent of this section is to protect the City's interest in siting telecommunications facilities in a manner consistent with sound land use planning by:

(1) Minimizing visual effects of facilities through careful design, siting and vegetative screening.

(2) Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(3) Maximizing use of any existing towers, buildings and structures.

(4) Allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

B. Approval of telecommunications facilities.

(1) No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after the granting of a special use permit by the City Planning Commission and in conformity with the provisions of this section. No existing structure shall be modified to serve as a telecommunications tower unless in conformity with this section.

(2) Telecommunications towers and accessory facilities shall be permitted in the I-1, I-2 and OS zoning districts upon the issuance of a special use permit as provided in §179-23 and the granting of preliminary and final site plan approval, in accordance with Article VII.

(3) In reviewing an application for a special permit for a telecommunications tower, the Planning Commission shall, at a minimum, require that the following criteria be met:

(a) Approval of lease. On municipal or government-owned property, a telecommunications facility shall be permitted upon execution of a lease with the municipality or the government entity and upon the issuance of a building permit. For any property owned by the City of Rensselaer, all leases shall be approved by the Planning Commission and shall address relevant issues of safety, height, aesthetics, setbacks, future expansions of the facility and collocation. A telecommunications facility on municipal or government-owned property shall not require review or approval from the Planning Commission.

(b) Site plan approval. A telecommunications facility which does not require the construction of a new tower shall be permitted upon site plan approval from the Planning Commission in accordance with the standards set forth in Subsection C, standards for site plan review, and upon the issuance of a building permit.

(c) Expanded site plan approval. Where a new tower is required, a telecommunications facility shall be permitted upon expanded site plan approval from the Planning Commission in accordance with the standards set forth in Subsection E, standards for expanded site plan review, and upon the issuance of a building permit.

C. Standards for site plan review. The following standards, criteria and requirements shall apply to each site plan review by the Planning Commission for a telecommunications facility:

(1) Location. Preference shall be given that the proposed facility be located in a higher use district or on higher-intensity-use property. Such preference, from most favorable to least favorable, is as follows:

(a) Property with an existing structure suitable for collocation.

(b) Municipal or government-owned property.

(c) Industrial districts.

(d) Commercial districts.

(e) Business office/office park districts.

(f) Residential districts.

(2) Safety. The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.

(3) Height. Telecommunications facilities on buildings or structures shall be no higher than 60 feet from the ground, unless the applicant submits sufficient information to justify a greater height as the minimum necessary to achieve its coverage objectives.

(4) Aesthetics.

(a) The telecommunications facility shall be situated in a manner that minimizes its proximity and visibility to residential structures.

(b) Every effort shall be made to camouflage the facility within or behind architectural features to limit its visibility from public ways and residential uses while still permitting the facility to perform its designated function.

(c) Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

(d) The facility shall blend in with the existing building's architecture and, if over five square feet, shall be painted or shielded with material which is consistent with the design feature and material of the building.

(e) Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) Preference for municipal or government-owned sites. All telecommunications facilities erected, constructed or located within the City shall comply with the following requirements:

(a) A proposal for the facility shall not be approved unless the Planning Commission finds that the antenna planned for the proposed facility cannot be accommodated on an existing structure located on municipal or government owned property within a one-mile search radius of the proposed facility due to one or more of the following:

[1] The antenna would exceed the structural capacity of the existing structure, as documented by a qualified professional engineer, and the municipality or government entity has refused to reinforce, modify or replace the structure to accommodate the planned or equivalent antenna.

[2] The antenna would cause interference materially impacting the usability of other existing antenna at the structure, as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.

[3] Existing structures within the search radius cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer.

[4] Other reasons that make it infeasible to locate the antenna upon an existing structure.

D. Application materials and supporting documentation for site plan review. Each applicant for site plan approval from the Planning Commission shall submit the following:

(1) An environmental assessment form (long form) with the visual environmental assessment form (Visual EAF) addendum.

(2) A site plan prepared to scale and in sufficient detail and accuracy showing the following:

(a) The exact location of the proposed telecommunications facility, together with any guy wires and guy anchors, if applicable.

(b) The maximum height of the proposed telecommunications facility.

(c) If applicable, a detail of tower type (monopole, guyed, freestanding, or other).

(d) If applicable, the location, type and intensity of any lighting on the tower.

(e) Property boundaries and names of adjacent landowners.

(f) Proof of the landowner's consent, if the applicant does not own the property.

(g) The location of all other structures on the property and all structures on any adjacent property within 100 feet of the property lines, together with the distance of those structures to any proposed telecommunications facility.

(h) The location, nature and extent of any proposed fencing, landscaping and/or screening.

(i) The location and nature of proposed utility easements and access road, if applicable.

(3) A written report certifying that the applicant has made substantial effort to locate on municipal or governmental property, including the following information:

(a) The availability of any municipal or governmental property.

(b) The extent to which the municipal or governmental properties do or do not meet the applicants needs, supported by engineer's certifications as set forth in Subsection E(5), Preference for municipal or government-owned sites.

(c) The reason why the subject site was chosen.

(4) A certification from a qualified licensed engineer that the telecommunications facility meets applicable structural safety standards.

(5) A certification from a qualified licensed engineer that the telecommunications facility will not interfere with local radio and/or television frequencies or with public safety communications.

(6) An engineering analysis of the radio emissions. The analysis shall be prepared and signed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radio-communications facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy, including but not limited to non-ionizing electrical radiation, generated from the proposed facility are within the allowable limits established by the FCC. If the telecommunications facility will be collocated with an existing facility, the cumulative effects of all facilities must also be analyzed. The power density analysis shall be based on the assumption that all collocated antennas are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the manufacturer.

(7) A search ring prepared, signed and sealed by a qualified radio frequency engineer registered in New York State and overlaid on an appropriate background map demonstrating the area within which the wireless communications facility needs to be located in order to provide the proper signal strength and coverage to the target area.

(8) An agreement, in writing, signed by the applicant and the owner of the property, stating that the applicant will remove the facility if it becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The agreement shall state that if the facility is not removed after the twelve-month abandonment period and after the City has given 90 days notice and an opportunity for a hearing to the applicant and the owner, the City may remove the facility and may charge any costs plus 50 percent to the applicant.

E. Standards for expanded site plan review. The following standards, criteria and requirements shall apply to each application for extended site plan approval by the Planning Commission for a telecommunications facility:

(1) Site plan review criteria. All the standards, criteria and requirements for site plan review shall apply for the review of an application for expanded site plan review.

(2) Setbacks. All towers shall be set back from all adjacent property lines a sufficient distance to safeguard the general public and/or adjacent property. In the absence of any evidence supporting a greater or lesser setback distance, a setback of the tower from any adjacent property line equal to the tower height plus 10 feet and a front setback of at least 75 feet shall be deemed adequate. Accessory structures and guy anchors must comply with the minimum setback requirements of the underlying district.

(3) Safety.

(a) A road turnaround and two parking spaces shall be provided to assure adequate emergency and service access.

(b) All towers and guy anchors, if applicable, shall be enclosed by a fence not less than six feet in height or otherwise sufficiently secured to protect them from trespassing or vandalism.

(4) Height. The height regulations otherwise applicable in the underlying district shall not apply to towers, provided that the applicant submits sufficient information to justify the proposed height as the minimum necessary to achieve its coverage objectives.

(5) Aesthetics. Telecommunications facilities shall be located and buffered to the maximum extent practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences to the extent possible, the Planning Commission may impose reasonable conditions on the applicant, including the following:

(a) The Planning Commission may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and accessory structures to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

(b) The Planning Commission may require that the tower be designed and sited so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and painting requirements, it being generally understood that the tower should not be artificially lighted, except as required by the FAA.

(c) The tower shall be either blue/gray in color, have a galvanized finish or be colored appropriately to the extent that the tower is as unobtrusive as possible, unless otherwise required by the FAA. Accessory facilities should maximize use of building materials, colors and textures designed to blend with the natural surroundings; and

(d) No tower shall contain any signs except signs displaying contact information and safety instructions. Such signs shall not exceed five square feet in surface area.

(6) Collocation requirements. All towers erected, constructed or located within the City shall comply with the following requirements:

(a) A proposal for a tower shall not be approved unless the Planning Commission finds that the antenna planned for the proposed tower cannot be accommodated on an existing tower or structure within a one-mile search radius of the proposed tower due to one or more of the following:

[1] The antenna would exceed the structural capacity of the existing tower or structure, as documented by a qualified professional engineer, and the existing tower or structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna at a reasonable cost.

[2] The antenna would cause interference materially impacting the usability of other existing antenna at the tower or structure, as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.

[3] Existing towers or structures within the search radius cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer.

[4] Other reasons that make it infeasible to locate the antenna upon an existing tower or structure.

(b) Any proposed tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.

F. Application materials and supporting documentation for expanded site plan review. Each applicant for expanded site plan review from the Planning Commission shall submit the following:

(1) All application materials and supporting documentation required for a site plan review of a telecommunications facility.

(2) A written report inventorying existing towers and/or structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new structure. The applicant shall submit documentation demonstrating good-faith efforts to secure shared use on existing towers and structures as well as documentation of the technical, physical and/or financial reasons why shared usage is not proposed, as set forth in Subsection E(6)(a). Written requests for shared use shall be provided where applicable.

(3) A written agreement stating that the applicant is committed to collocation of telecommunications facilities and that the applicant will negotiate in good faith for shared use of the proposed tower in the future. The applicant shall also agree to the following:

(a) To respond in a timely comprehensive manner to a request for information from a potential shared-use applicant.

(b) To negotiate in good faith concerning future requests for shared use of the new tower.

(c) To allow shared use of the new tower if another applicant agrees in writing to pay charges.

(d) To make no more than a reasonable charge for shared usage based on generally accepted accounting principles.

G. Technical consultants. The Planning Commission may retain technical consultants as it deems necessary to provide assistance reviewing the site plan or expanded site plan application. The applicant shall bear the reasonable costs associated with such consultation, which costs shall be assessed as an application fee. In no case shall the fee be more than 5 percent of the total project cost as determined for building permit fee assessment purposes.

H. Procedural requirements.

(1) Public notice. The applicant shall notify adjacent property owner within 500 feet, by first-class mail, of the filing of any application for site plan and expanded site plan review.

(2) Public hearing. The Planning Commission shall conduct a public hearing within 62 days from the day an application is received for either site plan or expanded site plan review. The applicant shall

notify adjacent property owners within 500 feet, by first-class mail, of the public hearing. Said notices must be mailed at least 10 days prior to the public hearing.

(3) Decision. The Planning Commission shall issue a decision within 30 days after the hearing. The time within which the Planning Commission must render its written decision may be extended by mutual consent of the applicant and the Planning Commission. Any denials by the Planning Commission shall be in writing and supported by substantial evidence.

I. Monitoring.

(1) Non-ionizing electrical radiation. The applicant shall ensure and shall demonstrate to the approving authority that emissions of non-ionizing electrical radiation (NIER) are in compliance with standards established by the FCC or any subsequent superseding standards. If at any time during the operation of the wireless telecommunications facility or attached wireless telecommunications facility the radio frequency emissions are not in compliance with standards established by the FCC, the operator shall immediately notify the City and immediately terminate the operation of the facility. Before resuming operation, the operator shall explain to the approving authority the cause of the failure to comply with radio frequency emission standards established by the FCC and demonstrate to the approving authority all measures taken to prevent such noncompliance in the future.

(2) The owner and/or user of the wireless telecommunications facility or attached wireless telecommunications facility, after construction thereof, shall annually submit a report, to the City Engineering Administrator, prepared by a qualified professional engineer or engineers. Such report shall provide an analysis of the non-ionizing electrical radiation emitted by the facility and shall be accompanied by sufficient underlying data so that the analysis can be reviewed for accuracy and completeness by a person expert in the field. After receiving the recommendation of the City Engineering Administrator, the approving authority may refer the report for professional review at the owner's expense. If the owner and/or user demonstrates that an acceptable comparable report is routinely made to another agency in satisfactory intervals, the approving authority may authorize the submission of such comparable report to the City Engineering Administrator, in lieu of the annual report required above.

(3) Future review by Planning Commission. The Planning Commission shall review any site plan or expanded site plan approval at five-year intervals, to determine whether the technology in the provision of telecommunications has changed such that the necessity for the approval has been eliminated or modified, and whether the approval should be modified or terminated as a result of such change.

J. Exemptions. The following types of telecommunications facilities are not subject to the provisions of this section:

(1) Antennas used solely for residential household television and radio reception.

(2) Satellite antennas measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less in diameter, regardless of location.

K. Effect of law on existing telecommunications facilities. Telecommunications facilities in existence that do not conform to or comply with this section are subject to the following provisions:

(1) Telecommunications facilities may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this section.

(2) If such facility is hereafter damaged or destroyed due to any reason or cause whatsoever, the facility may be replaced or restored to its former use, location and physical dimensions without complying with this law; provided, however, that if the cost of repairing the facility to the former use, physical dimensions and location would be 10 percent or more of the cost of a new facility of like kind and quality, then the facility may not be repaired or restored except in full compliance with this section.

L. Interpretation; conflict with other laws. In their interpretation and application, the provisions of this section shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare of the residents of the City of Rensselaer. This section is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that whenever the requirements of this section are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, the most restrictive, or those that impose the highest standards, shall govern.

§179-36. Parabolic or dish-type antennae.

The purpose of this section is to promote the health, safety and general welfare of the public by regulating the siting of parabolic or dish-type antennae and to protect the character of the City of Rensselaer while promoting the needs of its residents.

A. No parabolic or dish-type antenna shall be erected, constructed, altered or maintained on any lot within the City without complying with the terms of this article.

B. All parabolic or dish-type antennae located outside of a building shall meet the following requirements:

(1) The maximum number permitted per lot, project site in the case of garden apartments, condominiums or similar types of complexes shall be one.

(2) All antennae shall be constructed so that the total height of the antenna is no higher than 4-feet above base of its mounting point. In addition, in the case of masts, masts shall not exceed 10 feet without first obtaining a special use permit, subject to the requirements of §179-24.

(3) The maximum diameter shall be 12 inches. Any dish exceeding 12 inches shall require a special use permit, as outlined in §179-24.

(4) Parabolic and dish-type antennae are not permitted to be mounted on the front façade of a structure.

(5) No antenna may be located upon any lot except that lot upon which the building to be served is located.

(6) No antenna may be located upon any trailer or portable device or vehicle except for demonstration purposes not exceeding 15 days.

(7) No antenna shall be operated so as to create any sound, disturbance or other effect which is audible or can be sensed at any point beyond the lot lines upon which it is located.

(8) No antenna shall be constructed upon any lot by any tenant or lessee without the written consent of all of the owners thereof.

C. Construction to meet requirements. No parabolic or dish-type antenna shall be made operational in the City until the City Engineer shall certify in writing that the construction plans meet the requirements of this article, a permit is issued and that the final construction thereof meets the requirements of this article.

§179-37. Special events.

This section is intended to permit Common Council discretion and oversight for events that intend to disrupt usual pedestrian or vehicular travel patterns or require additional City services. A special event may be organized by a person or entity within the City of Rensselaer subject to approval by the Common Council. The applicant of a special event shall submit an application to the City, on forms provided by the City, not less than 60 days prior to the proposed special event. Special events may not exceed ten consecutive days in any calendar year.

A. Application requirements. Special event applications shall include the following information:

(1) Detail and schedule of events;
(2) Detail and schedule of significant impacts;
(3) Statement of community benefit;
(4) Anticipated daily attendance;
(5) Dates and hours of event, including setup and load-out schedule;
(6) Maps of use locations and planned activities;
(7) Scope of required public services; and
(8) Transportation plan if significant impacts are anticipated.

§179-38. Garage sales.

The purpose of these regulations is to control and restrict garage or yard sales to casual and/or occasional occurrences to mitigate impact to surrounding residences and protect the character of the underlying district.

A. Number of sales; duration; hours.

(1) No person or nonprofit corporation shall operate, conduct, manage or present a yard sale upon his/her/its premises or other property under its control more often than four times per calendar year, and said sale shall not be continued for a period of time of more than five consecutive days.

(2) No sale shall be conducted before 8:00 a.m. or after 9:00 p.m.

B. Persons and sales excepted. The provisions of this section shall not apply to or affect the following persons or sales:

(1) Persons selling goods pursuant to an order of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(4) Any sale that is part of a city-sanctioned event, such as a city-wide garage sale.

§179-40. Adult uses.

A. Purpose and Intent. It is recognized that there are certain uses which, because of their nature, have objectionable operational characteristics and produce deleterious effects upon adjacent areas. It is the intent to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of residents. The regulations specified herein are not intended to limit or restrict freedom of speech, nor to condone or legitimize the distribution of obscene material.

B. Registration. No person, firm, corporation or other entity or other entity shall lease, rent, maintain, operate, use, or allow to be operated or used any business or establishment, any part thereof which contains an adult use, without first complying with the provisions of this section as set forth below.

(1) In addition to any and all other necessary licenses and permits, no form of adult use shall be allowed to operate, nor allowed to continue to operate, until a certificate of registration is filed with the City Clerk containing the information listed below.

C. Location.

(1) An adult use may not be operated within 1,000 feet of the following uses:

(a) A church, synagogue ore regular place of worship;
(b) A public or private elementary or secondary school or licensed child day-care center;
(c) A public park;
(d) Nursery school; or
(e) Residence.

(2) An adult use may not be operated within 1,000 feet of another adult use or on the same lot or parcel of land.

(3) An adult use may not be operated in the same building, structure or portion thereof containing another adult use.

(4) All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this section shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display decoration, sign, window or other opening.

D. Inspections. All adult use establishments shall be subject to periodic inspections as described further below.

(1) Prior to the commencement of any adult use business or upon any transfer of ownership or control, the premises must be inspected and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for any adult use business specified herein.

(2) All code enforcement officials shall complete their certification that the premise is in compliance or not in compliance within 20 days of the inspection of the premises by such officials.

(3) Any owner and/or operator, employee of the owners and/or operator or agent of the owner and/or operator shall permit any representative of the City Police Department, Rensselaer County Sheriff's Office, New York State Police, County or State Health Department, City Code Enforcement officials, or any other City, county or state departments or agencies that have permitting authority regarding the use and/or premises to inspect the premises of an adult business for the purpose of insuring compliance with this section at any time it is occupied or open for business.

E. Nonconforming adult uses. Any adult use business lawfully operating on the effective date of this section that is in violation of the location or structural configuration requirements of this section shall be deemed a nonconforming use. The continuation of the same use of substantially the same character and intensity shall be allowed. The nonconforming use shall be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the adult use business, which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

F. Violations. It shall be deemed a violation if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator has:

(1) Violated or is not in compliance with the regulations specified in this section;

(2) Refused to allow an inspection of the adult use business premises as authorized by this section;

(3) Gambling occur on the premises;

(4) Possession, use or sale of a controlled substance occur on the premises;

(5) Prostitution occur on the premises;

(6) Any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conducts occur on the premises; or

(7) Any physical contact between a person in a state of nudity and any other person or person(s), whether such other person or person(s) are in a state of nudity, seminude or clothed on the premises of any adult use.

§179-41. Prohibited uses.

Uses not specifically enumerated as permitted within this chapter are prohibited, except that the Zoning Board of Appeals may find that, within the intent of this chapter or a specific district, a use is sufficiently similar to a permitted use as to be included within the definition of that use.

§179-42. Principal buildings.

No single-family or two-family residential lot shall have erected upon it more than one principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other principal building.

§179-43. Permissible structures within minimum required side or rear setbacks.

These regulations are intended to provide guidance for accessory structures permitted on lots with an existing principal building.

A. Any accessory building with a total floor area no more than 30 percent of the total floor area of the principal structure may be located on a property, subject to the setback and height restrictions in the Bulk and Use Tables, §179-7 through §179-21.

B. Fences six feet or less in height, excluding dog runs, may be located along the side or rear lot line, subject to additional regulations specified in §179-53.

C. Unclosed steps or stairways providing access to the first story of a building may extend into any required setbacks. Decks and porches shall not be permitted to extend into required setbacks.

§179-44. Access to improved street.

No permit for the construction of any building shall be approved, unless such structure has access from an improved street or a street on an official map, plan, approved subdivision or duly filed plat in accordance with Subdivision of Land, Article VII.

§179-45. Buffer areas.

A. Purpose. The purposes of buffers where required in this chapter are to: maintain and protect property values; assure an acceptable degree of transition to reduce potential adverse incompatibility between abutting and nearby uses; provide appropriate barriers and relief from traffic, noise, heat, glare and the spread of dust and debris; enhance the visual and aesthetic appearance of the community.

B. Standards. Whenever a buffer is required by this chapter, it shall meet the following standards. It shall:

(1) Provide a visual barrier.

(2) Block the glare of lights.

(3) Reduce noise produced on the site to a level no higher than that produced on conforming residential sites in the adjacent residential neighborhood.

(4) Serve as a protective barrier by blocking physical passage to the site, unless specific points of passage are desired.

(5) Prevent the passage of air pollution, dust and litter produced on the site.

(6) Screen the activities on the site and block views of the site which are not in harmony with the residential character of the adjacent neighborhood.

(7) Be maintained throughout the continuance of the use of the lot.

C. Design:

(1) Buffers shall be composed of fencing, plantings, walls, landscaping, planters, trellises, etc. or any combination of such.

(2) Buffers shall clearly effect the purposes of Subsection A of this section and the standards of Subsection B of this section.

(3) Buffer designs shall include all details required for an appraisal of the design, including but not limited to location, species and size of individual trees and shrubs and detailed design of all structures and other landscaping treatments.

(4) A screen planting of dense evergreen material not less than five feet in height shall be required where lights from vehicles or overhead illumination located within the off-street parking area may shine directly into windows of adjacent residential buildings. A solid fencing may be provided not less than four feet nor more than six feet in height alongside and rear lot lines, and subject to the approval of the Building and Zoning Administrator, in lieu of screen planting. If the designed fence or screen planting does not properly screen the overhead illumination from adjacent residential buildings, then the Building and Zoning Administrator may increase the height requirements of the fence or evergreen screening.

(5) Approval procedure. Buffer designs shall be submitted by the applicant and reviewed in conjunction with the building permit application review procedure.

(6) Construction postponement. Construction of required buffers may be delayed for up to 18 months upon approval by the Building and Zoning Administrator when the need for the buffer is unclear.

§179-46. Widening of right-of-way.

Where a building lot has frontage on a street, which is proposed for right-of-way widening, the required front setback shall be measured from such proposed right-of-way line.

§179-47. Lots in more than one district.

All the uses, buildings and facilities, yards, open space, off-street parking and required landscaping must be contained within the district in which the use is permitted.

§179-48. Corner and through lots.

The locations of all buildings on corner lots and on lots extending between two parallel streets shall comply with the following requirements: any yard on an improved street shall be a front yard, one other yard shall be a rear yard, and any other yards shall be a side yard.

§179-49. Creation of a new lot.

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter, either with respect to any existing structures or use or any proposed structures or use.

§179-50. Travel trailers.

The purpose of these regulations is to restrict travel trailers to temporary, transitional uses within the City of Rensselaer. Except as permitted by §179-31, Temporary Uses and Structures, no person shall use or occupy any travel trailer, tent trailer, tent or motor home for living or sleeping quarters within Rensselaer for more than 45 days per calendar year.

§179-51. Dumping of waste material.

This section is intended to provide for the proper disposal of waste materials. Dumping, piling or accumulation of refuse, garbage (other than in closed containers which are regularly emptied in a lawful manner), waste material, scrap or other noxious substances is prohibited.

§179-52. Fences, walls and other structural screening elements.

It is the purpose of this section to regulate the location, height and appearance of fences in all zoning districts to provide uniform enhancement, security and privacy to property. Fencing which legally existed prior to the adoption of this chapter may continue as long as it is properly maintained. The replacement or repair of any fencing must comply with the regulations set forth herein.

A. General requirements.

(1) A building permit is required prior to installation of a fence.

(2) The Planning Commission, as part of Subdivision or Site Plan Review, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise or light.

(3) Fences shall be maintained to provide functional, visual and structural integrity.

(4) Any fence shall have its most pleasant or decorative side facing the adjacent properties.

B. Height, location and setback.

(1) All fencing must be constructed within property boundaries.

(2) Height of fencing is to be measured from the top of the fence to the ground directly beneath the fence. In the case of a retaining wall, the height shall be measured from the average of the ground levels at each end of said retaining wall.

(2) No fence shall exceed three feet in height in the front yard. No portion of fence located behind the front façade shall exceed six feet in height. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence.

(3) Fencing erected or maintained between the façade of a building, excluding porches, and a public right-of-way, shall be no more than three feet in height.

(4) In no instance shall fences, walls, vegetation, or other structures or design elements be placed in front yards so as to prohibit views to the primary frontage façade of principal structures placed along a public right-of-way.

(5) Decorative caps located on top of the fence posts shall be excluded from the height measurement, but shall not exceed 12 inches in height and width.

C. Construction materials.

(1) Fencing shall be constructed of materials commercially available for fencing purposes and shall be uniform in appearance.

(2) Front yard fencing shall be of open-type construction (split rail, picket or the like). Solid and chain link type fencing shall not be permitted in the front yard.

(3) Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for public utility operations and shall be subject to a minimum ten-foot setback, and shall include cautionary signage.

(4) Fences designed to maim or injure prospective intruders are prohibited except as authorized in Subsection F above.

D. Corner lots. Rear and side street yard fencing on a corner lot shall be permitted to extend toward the street for purposes of boundary fencing, provided that a minimum setback of three feet from the property line which parallels the street is maintained. The height of fencing shall be no more than three feet in height.

§179-53. Fire escapes.

The purpose of these regulations is to allow for adequate emergency escapes. Nothing herein contained shall prevent the projection of an open fireproof escape into a rear or side yard for a distance up to eight feet. Such fire escapes shall count against all minimum setbacks.

§179-54. Outdoor storage of materials and equipment.

These regulations are intended to regulate the outdoor storage of materials to preserve the aesthetics of the underlying district.

A. No material of any kind shall be stored outdoors in any zoning district, except a one- or two-family lot, unless:

(1) Allowed as part of an approved site plan;

(2) Used in the construction or alteration of a structure on the same lot or in the same development and stored for not more than one year or not more than 60 days after completion of construction, whichever is less; or

(3) Such outdoor storage is limited to machinery, equipment or supplies essential to the operation or storage of any products grown on the premises of a farm or nursery.

B. No more than one unregistered, unlicensed motor vehicle is allowed to be stored outside on any lot except in accordance with §179-30, motor vehicle service stations. Such vehicle may not be stored outside for more than one year.

C. No front yard or driveway shall be used for any open storage or other storage of equipment such as motor homes, camping trailers, boats less than 20 feet in length, utilities trailers or other similar equipment.

D. All enclosed storage shall be within structures, which meet the requirements of the New York State Code, Rules and Regulations. Storage in mobile homes not connected to public utilities or tractor-trailer bodies is not allowed in any district.

E. No outdoor storage shall occur within 100 feet of a Single Family Residential or High Density Residential District. Outdoor storage shall provide a combination of distance and appropriately dense plantings or setback from residential districts.

F. Upon written approval by the Building and Zoning Administrator, the temporary outdoor display of plants, trees and landscaping materials may be permitted for a period not to exceed six months per year. Such displays shall be maintained to provide a neat, orderly appearance at all times.

§179-55. Off-street parking and loading regulations.

A. Purpose and Intent. The purpose of this article is to prevent or alleviate congestion on public streets and to promote the public safety and welfare by establishing standards for the provision of off-street parking and loading spaces.

B. Applicability.

(1) In all districts, every industrial, business, recreational, residential or other use shall provide, at the time of any change of use or when any building or structure is erected, enlarged or increased in capacity in the City, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially site plan review in accordance with Article VII, and the Bulk and Use tables, provided §179-7 through §179-21.

(2) Loading spaces shall be provided and maintained on the same premises with every building or structure erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise. No such activity shall use public right-of-way or parking area for standing, loading and unloading services.

(3) Bus, taxi or passenger loading spaces may also be required, depending on the use.

C. Location of required spaces. Parking and loading spaces shall be located in accordance with the following:

(1) Parking areas set back from lot lines and streets. In all districts, no part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line or sidewalk, whichever is further from the street, than ten feet. No parking area shall be located in front of a structure unless it is demonstrated that no other placement of parking areas is possible.

(2) Parking of motor vehicles is prohibited on sidewalks and areas between the sidewalk and median strips separating travel lanes as defined in the NYS Vehicle and Traffic Law.

(3) For single-family detached, semi-detached, two-family, attached and accessory dwelling units, off-street parking shall be provided on the same lot with the building it serves.

(4) For multi-family dwellings, required off-street parking shall be located as close to the use as possible, given site conditions, and in no case more than 200 feet from the building it is required to serve.

(5) The location, dimensions and signage of handicapped parking shall meet the requirements of the New York State Code, Rules and Regulations.

(6) Front yard parking requirements.

(a) No person shall keep, store, or park any motor vehicle, whether operable or inoperable, on any portion of a front yard or corner lot side yard facing a street of any property used as a residence, except on driveways, which may or may not consist of an impervious surface material.

(b) No owner, tenant, manager or occupant of property used as a residence shall allow any person to keep, store, or park any motor vehicle, whether operable or inoperable, on any portion of a front yard or corner lot side yard facing a street, except on driveways, which may or may not consist of an impervious surface material.

D. Computation of required spaces.

(1) The required number of spaces is provided in the Bulk and Use Tables for each land use in each zoning district. Range of 80 to 110 percent of number provided is acceptable. Parking waivers may be obtained from the Planning Commission.

(2) For membership houses, one parking space shall be provided for each bed if a one or two bedroom unit. Otherwise one parking space shall be provided per 0.75 beds. In no case shall the total parking exceed 8 spaces.

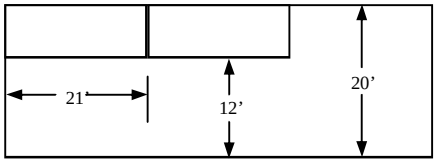
(3) In cases where parking is specified by number of seats (i.e. places of worship), if fixed seating is not the primary arrangement then 1 space per 100 square feet shall be provided.

(4) In the case of a combination of uses, the total requirements for off-street auto parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use and/or shift employment would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

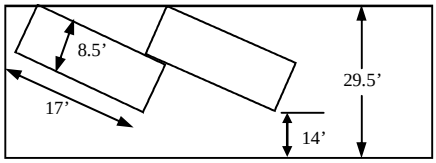
(5) If spaces are provided on the basis of employees or participants, the number on the maximum shift or peak period shall be used.

(6) Unless otherwise specified, off-street parking standards are based on square feet of all floor area, including the area of any accessory buildings.

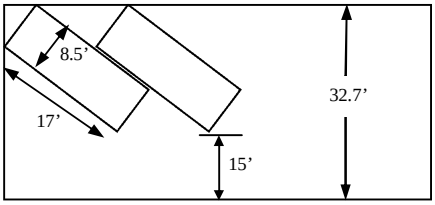
E. Dimensions of off-street automobile parking spaces. Off-street automobile parking spaces shall be no smaller than nine feet by 18 feet. Every such space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:



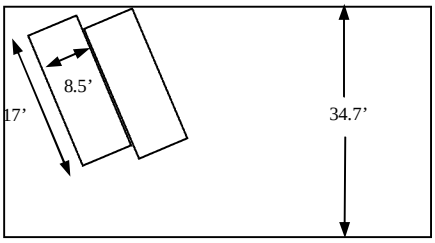
(1) Parallel curb parking: a minimum aisle width of 12 feet for one-directional flow and a minimum aisle width of 26 feet for two-directional flow.



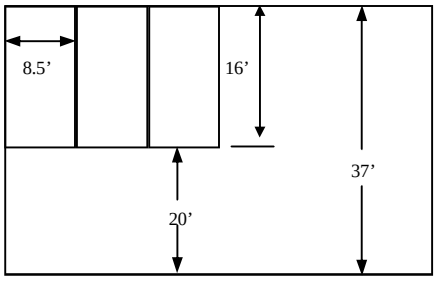
(2) Thirty-degree parking: a minimum aisle width of 14 feet for one-directional flow and a minimum aisle width of 26 feet for two-directional flow.



(3) Forty-five-degree parking: a minimum aisle width of 15 feet for one-directional flow and a minimum aisle width of 26 feet for two-directional flow.



(4) Sixty-degree parking: a minimum aisle width of 16 feet for one-directional flow and a minimum aisle width of 26 feet for two-directional flow.



(5) Perpendicular parking: a minimum aisle width of 26 feet for one-directional and two-directional flow.

F. Shared parking. The Planning Commission encourages parking lots for different structures or uses or for mixed-uses to be shared in any zoning district. At the applicant's request, shared parking may be provided subject to the following provisions:

(1) A reciprocal written agreement has been executed by all parties concerned that assures the perpetual join use of such common parking. A copy of this written agreement must be submitted to and accepted by the Planning Commission, and may be forwarded to legal counsel for review.

(2) The Planning Commission may require the applicant to provide a parking study with information deemed necessary to its decision-making on a shared parking agreement. This information may include, but is not limited to:

(a) The type and hours of operation and parking demand for each use;

(b) A site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot;

(c) A description of the character of land use and parking patterns of adjacent land uses; and

(d) An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

(3) Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

(4) Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the use and associated shared parking may be approved by the Commission with written justification and supporting information provided by the applicant.

(5) Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well marked pedestrian crossings, signage and adequate lighting.

(6) If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Officer and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

(7) Where shared parking is provided among a mix of land uses, the Commission may allow the following at the applicant's request:

(a) Up to 30 percent of the parking spaces required for the predominant use on site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

(b) Up to 75 percent of the parking spaces required for primarily evening uses (i.e. theaters, bowling alleys, nightclubs) may be shared with those uses that occur primarily during the day (i.e. banks and offices).

(c) Up to 75 percent of the parking spaces required for uses in operation primarily during the weekend (i.e. churches) may be shared with uses predominantly in operation on weekdays (i.e. medical offices and banks).

G. Non-conforming parking and loading. No building, lot alterations, or change of use shall be allowed which would increase the degree of non-conformity with the off-street parking and loading regulations of this chapter.

§179-56. Development within the Flood Fringe.

A. Purpose and Intent. These regulations are intended to regulate and restrict land use in areas within the City of Rensselaer, which may be subject to severe periodic inundation in such a manner as to:

(1) Protect life and prevent or minimize property damage;

(2) Reduce public costs for flood control;

(3) Conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams and other environmental impacts on associated water sources; and

(4) Comply with Federal and State laws and regulations that address the need for floodplain management and protection;

B. Administration. The source of delineation of the Flood Fringe Boundary shall be the 100-year floodplain boundary, as determined by the Flood Insurance Rate Map, developed by the Federal Emergency Management Agency (FEMA).

C. Proposed use.

(1) All uses within the flood fringe shall be reviewed for compliance with standards specified herein, as certified by a registered architect or licensed professional engineer.

(2) No use shall be permitted, including fill, dredging or excavating activity unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred year flood more than one foot at any point.

D. Design. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater related forces.

E. Construction. Construction within the Flood Fringe is subject to the following regulations:

(1) All construction materials and utility equipment used shall be resistant to flood damage.

(2) Construction practices and methods shall be employed which minimize potential flood damage.

(3) All new residential construction or substantial improvements to residential structures shall have the lowest floor (including the basement) elevated to two feet or above the base 100-year flood level.

(4) All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to two feet or above the base 100-year flood level or, as an alternate, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.

F. Infrastructure and drainage. Infrastructure and drainage development, alterations or improvements are permitted subject to the following standards:

(1) All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

(2) All water supply and sewage disposal systems shall be designed to minimize or eliminate floodwater infiltration of discharges into the floodwaters.

(3) Adequate drainage shall be provided to reduce exposure to flood hazards.

G. Best management practices. Stormwater runoff related to development may adversely impact public and private property, surface water supplies, groundwater resources, drinking water, aquatic and non-aquatic wildlife habitats, fish and other aquatic life, property values and potential for future uses of land and water. To the extent practicable, best management practices should be utilized during construction activities, low impact development practices employed during post construction, and periodic inspections before, during and after construction to ensure that stormwater management methods are effective.

§179-57. Stormwater Regulations.

A. Purpose and Intent. The purpose of the City of Rensselaer's stormwater regulations is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Rensselaer. All development within the City shall be in accordance with City's Chapter 145, Stormwater Management.

B. Stormwater pollution prevention plan required. In accordance with Chapter 145, no person shall commence or perform any land development activity without the approval of a stormwater pollution prevention plan (SWPPP).

C. Permissible impervious surface coverage. Uses are subject to the impervious surface regulations outlined in the Bulk and Use Tables, §179-7 to §179-21. Impervious surface coverage exceeding 80 percent of the total property area will be required to comply with local stormwater regulations.

§179-58. Miscellaneous supplementary regulations.

The purpose of these additional regulations is to improve consistency between the Comprehensive Plan's vision and goals, and policy and development regulations while meeting other City interests.

A. Obstructions at street intersections. No fence, shrub, tree, planting or any structure, including fences, shall be constructed within 50 feet of intersecting street lines which are higher than three feet above gutter grade or which obstruct the view of motorists or creates other traffic hazards.

B. Height exceptions. The limitations of height, found in the Bulk and Use Tables, shall not apply to chimneys, aerials, silos, elevators, water tanks, ventilators, skylights, tanks and other necessary features usually carried above roofs, nor to towers or antennas provided that, with the exception of a church spire or tower of a public building, such shall not exceed the height regulations of the applicable Zoning District by more than twenty-five (25) percent).

C. Abandoned vehicles. No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside, upon any property within the City when such vehicle has been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation or use for a period of 30 continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.

D. Construction within required front yard setback. Existing structures, such as open porches, terraces or stoops, shall not be enclosed, and upper-floor additions shall not be constructed over existing open or enclosed structures when said existing structures lie within the required front yard setback.

E. Artificial lighting. No lighting shall be directed on a sidewalk, street or public place or upon adjacent premises, which shall cause glare, reflection or intrinsic brightness, constituting a nuisance or traffic hazard.

E. Demolition of buildings and structures. Demolition of all buildings, structures, and parts thereof, in all zones, shall be subject to Article VII of this chapter entitled, "Site plan review and approval."

§179-59. Performance standards.

These performance standards are provided in recognition that certain uses may jeopardize the health and well-being of residents or visitors based on their impacts to the surrounding environment. These regulations are intended to provide not-to-exceed threshold values to protect the safety and welfare of residents, visitors and surrounding uses.

A. Applicability.

(1) Planning Commission action. All uses subject to the requirements of this section may be established and maintained if their operation is approved by the Planning Commission as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Planning Commission shall decide whether the proposed use will conform to these applicable performance standards or any additional performance standards required by state or federal laws or which are generally recognized performance standards for a given industry.

(2) Use subject to the performance standards procedures.

(a) All uses subject to site plan review must comply with these performance standards.

(b) In addition, if the Building and Zoning Administrator has reasonable grounds to believe that any other existing or proposed use violates any of the performance standards, such proposed use may be required to certify compliance with these performance standards or such existing use may be cited for violation of these regulations.

(3) Performance standards procedures.

(a) The Building and Zoning Administrator as part of the sketch plan conference shall tentatively identify whether a proposed use will be required to certify compliance with any of the performance standards listed in this section. Certification may require signing a written statement or presentation of construction detail and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements. The applicant shall also file with such plans and specifications an affidavit acknowledging understanding and stating agreement to conform to the same at all times. Any information which is designated by the applicant as a trade secret and submitted herewith will be treated as confidential under provisions of the New York State Freedom of Information Law. During the course of Site Plan Review, the Planning Commission will determine if the applicant's proposal falls within the performance standards based upon information provided by the applicant. The Building and Zoning Administrator can require the applicant to show that the construction detail and a description of the specifications for the mechanisms and techniques is in compliance with the standards set forth below.

[1] Vibration.

[a] No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

[b] Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001 g. single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.

[2] Noise.

[a] The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sound, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

Table I

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

[b] Where any use adjoins a residential or mixed use district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table I.

[3] Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.

[4] Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the

Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.

[5] Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1 the maximum allowable concentration set forth in §12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.

[6] Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal regulations shall be unlawful if such radiation causes an abnormal degradation in performances of other electromagnetic radiators or electromagnetic receptors of quality and pro-per design because of proximity, primary field, blanketing, spurious reradiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.

[7] Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property lines. The handling of such radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission, as set forth in Title 10, chapter 1, Part 20, as amended, and all applicable regulations of the State of New York.

[8] Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5°F., whether such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.

[9] Glare. “Dark Sky” compliant lighting fixtures are required, as defined by the following standards.

[a] Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet above ground.

[b] Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 foot-candle (maximum) and 0.1 foot-candle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

[10] Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Rensselaer County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conductive to the breeding of rodents or insects.

[11] Storm Water. For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that Municipalities receive a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to plan approval. Owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit # G-P-02-01. All development must be in compliance with §179-57 of this Chapter, and Chapter 145 of the City's Code.

ARTICLE IV. Sign regulations.

§179-60. Intent.

The intent of these provisions is to promote and protect the public health, safety and welfare by providing comprehensive time, place, and manner restrictions on signage which shall include controls on size, height, quantity, location, spacing, shape, scale, lighting, motion, design, maintenance and appearance. Regulations apply to the physical aspects of the sign, and not the content. More specifically, the provisions of this article are intended to ensure that all signs and advertising features:

(1) Are functional and compatible with the aesthetic appearance of the building they are located on, the surrounding neighborhoods and the long term vision of the City as outlined in the Comprehensive Plan;

(2) Serve to protect and enhance community appearance;

(3) Protect the safety of motorists and pedestrians by reducing the frequency and magnitude of hazards caused by obstructions and distractions;

(4) Preserve and create more attractive business and residential environments; and

(5) Are harmonious in color, material and lighting with the building to which it relates, thereby preserving the existing neighborhood character.

§179-61. Non-conforming signs; applicability.

A. Upon the adoption of this chapter, any sign or advertising device which does not conform to the provisions of this ordinance in terms of location, area, illumination, type, or height shall be considered a non-conforming sign. In addition, no non-conforming sign may be relocated, enlarged, replaced, redesigned, or altered in any way that increases its non-conformity.

B. Upon the adoption of this chapter, all non-conforming signs, except those granted a variance, shall cease and desist at the time when there is any one or more of the following:

(1) A change in ownership of the home or business to which the sign applies; such change must involve a change in the actual persons owning the home or business, rather than a mere change in their corporate status.

(2) A change in use.

(3) Destruction, damage, or disrepair of said sign to the extent that 51 percent of its replacement cost must be expended in its repair.

(4) Creation of a hazard or disturbance to the health, safety and welfare of the general public as determined by the Building and Zoning Administrator.

C. For the purpose of these regulations, the term “sign” does not include:

(1) Memorial tablets or signs and locally designated historic markers not exceeding two square feet in area.

(2) Signs erected and maintained pursuant to and in discharge of any governmental function, including state or federal historic markers, traffic control devices, or required by any law, ordinance or governmental regulation.

(3) Flags, emblems or insignias of the United States, or organizations of which this nation is a member.

(4) Posters, flyers, displays or other materials, intended to be temporary, that are on the interior of windows of commercial establishments.

(5) A design, image, or expression on the exterior of a building, generally for the purpose of decoration or artistic expression, including, but not limited to paintings, markings, and etchings and does not include any on or off-site advertisement (i.e. mural).

§179-62. General regulations.

Signs are important community features that either serve to contribute to or diminish the character or appearances of existing structures. The goal of these general regulations is to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. As such, the regulations serve to promote the visual cohesiveness of the streetscape and encourage signs to be harmonious with the architecture of each building and the character of the surrounding area.

A. No sign shall be permitted in any zoning district except in compliance with these regulations. All new signs, unless otherwise noted, will require a permit and are subject to the requirements of §179-69.

B. Any sign or other advertising device with visible moving or movable parts or with flashing, animated or intermittent illumination (except signs indicating the time, date or weather conditions), and any sign that contains any fluorescent paint or device, including mirrors, which has the effect of intensifying reflected light are prohibited in all parts of the City.

C. The Building and Zoning Administrator, as part of a sign permit application, sign site plan, or site plan review, shall consider the compatibility of the sign's location, color(s), lettering, size and overall design with onsite and adjacent architecture and community character.

D. LCD, LED, or other digital signs, except those displaying the time of day or current temperature, are prohibited.

E. Signs featuring dual media, vertical louvered blinds, or mechanically changing or movable materials are prohibited.

F. Pictorial designs, logos and trademarks shall be permitted, provided that they are incorporated in and made a part of a permitted sign face, and the area thereof is included in calculating the total permitted sign face area allowed under these regulations.

G. No sign shall project across or over a property line or lease lien, nor be in a public right-of-way, except where expressly permitted in §179-66(A) and §179-67(A). No projecting sign shall be erected or maintained from the front or face of a building a distance of more than three feet.

H. All signs shall comply with applicable provisions of the State of New York Code, Rules and Regulations.

I. All signs and all components thereof, including supports, braces and anchors, shall be kept in a good state of repair.

J. Every principal building or structure shall have street identification numbers subject to §505 of the Fire Code of New York State.

K. Portable signs, as defined in §179-4, are prohibited.

L. Signage is prohibited on motor vehicles that:

(1) Are inoperable; or

(2) Do not display a current vehicle inspection sticker or license plate; or

(3) Are not principally used as a mode of transportation for business purposes; or

(4) Are conspicuously parked or located on a lot or public right-of-way for 24 hours.

M. Directional signs. Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance” and “exit” are prohibited. At the discretion of the Planning Commission, exceptions may be made for public parking lots intended to service a general commercial area rather than an individual business or shopping plaza, as well as cases where the NYS DOT requires such signs in the interest of mitigating potential traffic hazards. In the case of the latter, the content of directional signs shall be limited to traffic management and shall not contain advertising materials or logos.

N. No application for approval of signs or for a sign permit shall be processed or permitted unless permission is granted from the property owner.

O. The Building and Zoning Administrator shall require the proper maintenance of all signs, and such signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Building and Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this chapter. Painting, repainting, cleaning or repair maintenance will not be considered an erection or alteration which requires a permit unless a structural change is made.

P. Billboards are prohibited in all zoning districts.

Q. Any sign displayed which no longer advertises a bona fide business conducted upon the premises shall, upon notification by the Building and Zoning Administrator, be taken down or removed within ten days after such notification, and failure to so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in §179-88. In such cases where the Planning Commission or Building and Zoning Administrator deems appropriate, a sign may be removed in a manner approved by the Building and Zoning Administrator. Building and Zoning Administrator may allow the retention of signs that are an original part of the architectural fabric of the structure, such as a date

or name of building, without reduction in the number of signs or square footage of signs under §179-66 through §179-67, depending on the district.

R. No sign shall be erected or allowed to exist so as to constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position shape or color, it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device or makes use of words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

S. Signs must conform to character of the district. In addition to the regulations contained in this section, approval of the display of a sign in these districts shall be granted only with consideration given to the appearance, color, size, position, method of attachment, texture of materials and design. In addition, the sign must conform to the distinctive character of the district or not injuriously affect it or impair the value to the community of those buildings having architectural or historic worth.

U. Illuminated signs. In the case of illuminated signs, all light sources shall be a steady light (indication of time and temperature that change lighting patterns are excluded) and:

(1) Shall be concealed behind standard opal glass or other substance of equal or smaller light transmission factor;

(2) Shall be concealed by hoods; or

(3) Shall be concealed by any method of indirect lighting approved by the Planning Commission; or

(4) Shall be shielded so as not to cause direct light onto the street or any adjacent property.

(5) To avoid concentration of illumination, signs may have no more than 50 candlepower of lighting per square foot of sign.

(6) The method of illumination must evenly distribute light over the surface of the sign.

§179-63. Location.

A. Off-premises signs are not permitted in any district with the following exceptions:

(1) Temporary signs directing persons to temporary exhibits, shows, or events may be erected subject to the requirements in §179-64(D) or §179-64(I).

(2) Political signs shall be permitted to be displayed off-premises, provided that permission is granted by the owner of the property on which it is displayed and subject to the requirements in §179-64(F).

(3) Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings and other official signs which are similarly authorized or erected by a duly constituted governmental body.

B. No sign shall be placed upon a balcony, porch, canopy, shed, roof, parapets (or similar appurtenance), or placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building.

C. No sign shall be attached to a fence, public light standard, utility pole, rock, tree, or similar appurtenance.

D. No sign shall be erected at any street intersection in a manner which will obstruct free vision or at any place where the position, shape or color of the sign may interfere with any traffic sign or signal. No sign shall be erected that purports to be, is an imitation of, or bears resemblance to a traffic sign or signal or which makes use of the words “stop”, “caution”, “go slow,” etc.

§179-64. Permitted signs in all districts.

The following signs are permitted in any approved district without a permit. All other signs require a permit, subject to the requirements of §179-68.

A. A nameplate, which shall not exceed two square feet in area on each side, and must be attached to the building in some manner.

B. Signs denoting the name and address of the occupants of the premises or the building date of the premises. Such signs shall not exceed two square feet in area on each side.

C. Signs for permitted non-residential uses, such as bed and breakfasts. No exterior evidence of the establishment shall be allowed, except for parking and either one attached sign no larger than eight square feet or one freestanding sign in the yard no larger than 12 square feet. No additional advertising of any kind is allowed on site. The Planning Commission shall have discretion regarding the location of the attached or freestanding sign.

D. Temporary commercial signs, which shall not exceed six square feet in area, provided that such sign is erected or displayed not less than five feet from the property line. One sign is permitted per lot, except that on a corner lot two signs, one facing each street, shall be permitted. Such signs shall not be posted more than two weeks prior to the event and no longer than one week after the event. In addition to temporary signs, signs authorized below are permitted within the City of Rensselaer, and are authorized only under the circumstances and limitations described.

(1) Special events. Signs announcing special events, garage or rummage sales, auctions or births may be displayed on the premises not more than two times a year for each of the types of events described above. For each particular special event, one sign not to exceed 12 square feet on either side may be displayed on the premises for a period not to exceed seven days. In addition, a maximum of six directional signs may be displayed during the hours of the event. All such signs must be kept in an attractive and safe condition. No sign is authorized on city property or in the public right-of-way.

(2) Realty sales or rental. When a residence is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that residence, except in the case of corner lots where one sign per street frontage will be allowed. The sign may not exceed nine square feet on either side. All realty sale or rental signs must be kept in an attractive and safe condition and must be removed within seven days of completion of transaction. No sign is authorized on city property or in the public right-of-way and no directional signs are authorized.

(3) Contractors' signs. One temporary sign per contractor performing services may be displayed on the premises where such services are being performed and only during the performance of such services. The sign shall not exceed nine square feet on either side and shall be removed within two days of completion or cessation of the work. The sign must be kept in an attractive and safe condition and may not be placed on city property or in the public right-of-way.

E. Signs incidental to places of worship, libraries, museums, schools, private clubs or societies, and other public or semi-public uses which shall not exceed 16 square feet in area, and shall be located on the premises of such institution provided that signs are located not closer than ten feet to any property line. One sign permitted per lot.

F. Election signs shall be permitted to be displayed, provided that permission is granted by the owner of the property on which it is displayed. Such sign shall not project more than four feet in height above the natural grade on which the sign is located.

G. Signs announcing no trespassing, signs indicating the private nature of a road, driveway or premises, and signs controlling the fishing or hunting on the premises, provided that the area of any one side of any such sign shall not exceed one square foot.

H. Window signs are permitted in all districts, provided that they conform to the definition listed in §179-4 and that the following standards are complied with:

(1) See-through lettered window signs and opaque window signs that are intended to be permanent in nature may not cover more than 25 percent of the total window area.

(2) In the case of a door, a window sign that is intended to be permanent in nature may not cover more than ten percent of the window space in which it is located.

I. Temporary window signs are permitted in all districts, provided that they conform to the definition listed in §179-4, and are limited to a maximum use of 120 days.

J. Memorials/Interpretive Markers. Non-illuminated memorial, interpretive, signs or historical signs or tablets displayed by a public or educational non-profit agency strictly for the purpose of informing or educating the public provided the area of any such sign shall not exceed four square feet.

K. One temporary sandwich board or A-frame sign is permitted per business, only during business hours of that business, in which said sign shall not exceed six square feet on each side. Such signs are subject to the requirements provided in this article. No such sign shall be located in the street right-of-way, except on public sidewalks, and shall not create an unsafe hazard for pedestrians.

L. One home occupation sign shall be permitted for an approved home occupation, wherever such uses are permitted. Such sign shall be no larger than two square feet in area; shall not be closer than ten feet from any property line; and, if a ground sign, shall not exceed four feet in height above the natural grade on which the sign is located.

§179-65. Sign regulations for the MU-1 and MU-2 districts.

Signs permitted in the MU-1 and MU-2 districts are subject to the permitting requirements of §179-68.

A. Business identification signs. All businesses will be allowed to have two of the first three sign types identified below (wall sign, awning or canopy sign, perpendicular sign), with a maximum not to

exceed 60 square feet in total area. If multiple businesses are present on the first floor of the same building, each business will be allowed to have two of the first three sign types identified below. In addition, businesses will be permitted the sign described in A(4) below, not to exceed the maximum allowable signage area listed for each type. Other sign types, except those noted in §179-64 and the remainder of this section, are expressly prohibited. Permanent window signs shall not count against the allowable square footage or the allowable number of signs.

(1) Wall sign. One wall sign not to exceed an area based on ½ square foot of sign area per linear foot of occupied building frontage but not exceeding 60 square feet. Wall signs shall be incorporated into the facade at the first floor level parallel to the front façade, and designed to communicate to pedestrians. No sign shall be located higher than 15 feet above the sidewalk level, except where a building is being rehabilitated and the original sign was designed to be higher than 15 feet; said sign may be reproduced upon permission of the Planning Commission. Where a building has frontage on more than one street or public right-of-way, one wall sign is permitted for each street frontage. In the case of multiple street or public right-of-way frontages, additional signs are subject the size restrictions in this section but shall not count against the total number of allowable signs. Signs flush to the facade shall not project out from the facade greater than six inches.

(2) Awning or Canopy sign. Awning or canopy signs displaying the name of a shop, store or bona fide business are permitted upon approval of a sign permit. The area of the sign shall be deducted from calculated entitlement area for signs. The signs must be an integral part of the awning or canopy in that any letters or insignia must be flat and parallel to the surface of the awning or canopy and not project from the awning or canopy surface. The allowable area for an awning or canopy sign shall be ½ square foot for each foot of occupied building frontage, but not to exceed 60 square feet. The dimensions of the proposed awning or canopy shall not project more than five feet from the structure face to which it is attached. The height of the awning shall not be allowed to extend above the height allowed for structures in the respective zoning districts or be lower than eight feet above the ground elevation of the wall face of the structure to which it is attached.

(3) Perpendicular sign. One perpendicular sign no larger than 12 square feet per side in area shall be permitted. Signs shall project from the wall of a building no more than four feet from the building line and shall not be nearer than four feet to the curb line of the street. The proposed sign shall be at least eight feet from the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic. Also, perpendicular signs shall not be erected nearer to the adjacent property line than twice the number of feet that the sign projects from the building. Perpendicular signs shall be located above the primary entrance to the structure. Examples are on file in the Code Enforcement Office. The supporting structure of the sign shall not be included in the calculation of the sign area.

In addition to permitting two of the three signs listed above, each business shall be allowed one of the following signs:

(4) Upper story business directory sign. In cases where there is occupancy of a building above the first floor by a separate and bona fide business or businesses different from the first floor occupant, one additional sign per business is permitted. Such a sign must be located at the point of street level public access to the second floor business and must be attached to the building parallel to the front or side façade, as with a wall sign. The sign material must be complementary to the building façade materials. The surface area of such a sign will be no larger than one square foot per business, or in the case of a directory sign displaying multiple businesses, not to exceed 12 square feet in total area. This sign shall not be counted in the square footage calculation for the signage entitlement for said building.

B. Temporary signs, including advertising and promotional banners.

(1) Only one such sign shall be displayed by any business at one time and no sign permit shall be required.

(2) Special events. A temporary banner promoting a special event at a commercial establishment may be erected for a period not to exceed 14 days. The size of the banner shall not exceed 30 square feet. Temporary sandwich boards or A-frame signs are allowed in accordance with §179-64(D). Registration with the Building and Zoning Administrator is required for each sign. No more than five registrations per commercial establishment may be issued in a particular calendar year. Such signs must be located on or adjacent to the commercial establishment's property, must not interfere with normal pedestrian traffic and must be kept in an attractive and safe condition. Directional signs are not permitted.

(3) Residential events. For residences within commercial or industrial districts, signs announcing special events, garage or rummage sales, auctions or births may be displayed on the premises not more than two times a year for each of the types of events described above. For each particular event, one sign not to exceed 12 square feet on either side may be displayed on the premises for a period not to exceed seven days. In addition, up to a maximum of six directional signs may be displayed during the hours of the event. All such signs must be kept in an attractive and safe condition. No sign is authorized on City property or in the public right-of-way.

(4) Banners for charitable events. Upon registration with the Building and Zoning Administrator, a charitable, service, educational, religious or not-for-profit organization may be granted a permit to erect a street banner announcing a coming event at which at least 500 people may reasonably be expected to attend (documentation supporting such expected attendance is required for issuance of a permit). The banner may be placed at a site across a street, as designated by the Building and Zoning Administrator, and kept in place for a period not to exceed 14 days. The banner must be made of canvas or other material of equal or better durability and must be kept in an attractive and safe condition. It may not exceed 50 feet in width and three feet in height, may not include advertisements for commercial products or services and must be removed no later than two business days after the event terminates.

(5) Realty sales or rental property. When a property is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that residence, except in the case of corner lots where one sign per street frontage will be allowed. The sign may not exceed nine square feet on either side. When a commercial property is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that property. The sign may not exceed nine square feet. In the case of all realty sales or rental signs, signs must be kept in an attractive and safe condition and must be removed within seven days of completion of transaction. No sign is authorized on City property or in the public right-of-way, and no directional signs are authorized.

(6) Contractors' signs. One temporary sign per contractor performing services may be displayed on the premises where such services are being performed and only during the performance of such services. The sign shall not exceed nine square feet on either side and shall be removed within two days of completion or cessation of the work. The sign must be kept in an attractive and safe condition and may not be placed on City property or on the public right-of-way.

C. Directional signs. Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit" are prohibited. At the discretion of the Planning

Commission, exceptions may be made for public parking lots intended to service a general commercial area rather than an individual business or shopping plaza, as well as cases where the NYS DOT requires such signs in the interest of mitigating potential traffic hazards. In the case of the latter, the content of directional signs shall be limited to traffic management and shall not contain advertising materials or logos.

§179-66. Sign regulations for the C-1 and I-1districts.

Signs permitted in the C-1 and I-1 districts are subject to the permitting requirements of §179-68.

A. Business identification signs. All businesses will be allowed to have two of the first three sign types identified below (wall sign, awning or canopy sign, perpendicular sign), with a maximum not to exceed 80 square feet in total area. If multiple businesses are present on the first floor of the same building, each business will be allowed to have two of the first three sign types identified below. In addition, businesses will be permitted the signs described in A(4) through A(6) below, not to exceed the maximum allowable signage area listed for each type. Other sign types, except those noted in §179-64 and elsewhere in this section, are expressly prohibited. Permanent window signs shall not count against the allowable square footage or the allowable number of signs.

(1) Wall sign. One wall sign not to exceed an area based on ½ square foot of sign area per linear foot of occupied building frontage but not exceeding 80 square feet. Wall signs shall be incorporated into the facade at the first floor level parallel to the front façade, and designed to communicate to pedestrians. No sign shall be located higher than 15 feet above the sidewalk level, except where a building is being rehabilitated and the original sign was designed to be higher than 15 feet; said sign may be reproduced upon permission of the Planning Commission. Where a building has frontage on more than one street or public right-of-way, one wall sign is permitted for each street frontage. In the case of multiple street or public right-of-way frontages, additional signs are subject the size restrictions in this section but shall not count against the total number of allowable signs. Signs flush to the facade shall not project out from the facade greater than six inches.

(2) Awning or Canopy sign. Awning or canopy signs displaying the name of a shop, store or bona fide business are permitted upon approval of a sign permit. The area of the sign shall be deducted from calculated entitlement area for signs. The signs must be an integral part of the awning or canopy in that any letters or insignia must be flat and parallel to the surface of the awning or canopy and not project from the awning or canopy surface. The allowable area for an awning or canopy sign shall be ½ square foot for each foot of occupied building frontage, but not to exceed 60 square feet. The dimensions of the proposed awning or canopy shall not project more than five feet from the structure face to which it is attached. The height of the awning shall not be allowed to extend above the height allowed for structures in the respective zoning districts or be lower than eight feet above the ground elevation of the wall face of the structure to which it is attached.

(3) Perpendicular sign. One perpendicular sign no larger than 16 square feet per side in area shall be permitted. Signs shall project from the wall of a building no more than four feet from the building line and shall not be nearer than four feet to the curb line of the street. The proposed sign shall be at least eight feet from the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic. Also, perpendicular signs shall not be erected nearer to the adjacent property line than twice the number of feet that the sign projects from the building. Perpendicular signs shall be located above the primary entrance to the structure. Examples are on file in the Code Enforcement Office. The supporting structure of the sign shall not be included in the calculation of the sign area.

In addition to permitting two of the three signs listed above, each business shall be allowed one of each of the following signs:

(4) Upper story business directory sign. In cases where there is occupancy of a building above the first floor by a separate and bona fide business or businesses different from the first floor occupant, one additional sign per business is permitted. Such a sign must be located at the point of street level public access to the second floor business and must be attached to the building parallel to the front or side façade, as with a wall sign. The sign material must be complementary to the building façade materials. The surface area of such a sign will be no larger than three square feet per business, or in the case of a directory sign displaying multiple businesses, not to exceed 12 square feet in total area. This sign shall not be counted in the square footage calculation for the signage entitlement for said building.

(5) Free standing sign. One on-site free standing sign near a public highway stating the property address and/or business name will be permitted. If more than one business is present on the property, a free standing directory sign shall not be permitted in addition to a free standing sign. Such signs shall not exceed 20 square feet in size per side and shall not have more than two sides. The highest point of such signs shall not exceed six feet above grade. Such signs shall not contain advertising or other promotional matter except for gasoline stations, which are subject to the requirements of New York State law related to advertising gasoline prices. Such signs shall not be closer than five feet to any lot line and shall not obstruct vehicular or pedestrian visibility. Each sign and its base shall complement the existing architectural style of the building it shall serve. Sign illumination shall be guided by other pertinent sections of these regulations.

(6) Free standing directory sign. One free standing building directory sign indicating the name of the occupants of the building and the building number in order to direct persons to their proper destination shall be permitted. If more than one business is present on the property, a free standing directory sign shall not be permitted in addition to a free standing sign as described in A(5) above. Signs are to be no larger than 20 square feet in area on each side, including the nameplates of all the tenants or uses, and shall project not more than six feet in height above the natural grade on which the sign is located. The proposed sign's construction shall complement the architectural style and materials of the building it will serve.

B. Temporary signs, including advertising and promotional banners.

(1) Only one such sign shall be displayed by any business at one time and no sign permit shall be required.

(2) Special events. A temporary banner promoting a special event at a commercial establishment may be erected for a period not to exceed 14 days. The size of the banner shall not exceed 30 square feet. Temporary sandwich boards or A-frame signs are allowed in accordance with §179-64. Registration with the Building and Zoning Administrator is required for each sign. No more than five registrations per commercial establishment may be issued in a particular calendar year. Such signs must be located on or adjacent to the commercial establishment's property, must not interfere with normal pedestrian traffic and must be kept in an attractive and safe condition. Directional signs are not permitted.

(3) Residential events. For residences within commercial or industrial districts, signs announcing special events, garage or rummage sales, auctions or births may be displayed on the premises not more than two times a year for each of the types of events described above. For each particular

event, one sign not to exceed 12 square feet on either side may be displayed on the premises for a period not to exceed seven days. In addition, up to a maximum of six directional signs may be displayed during the hours of the event. All such signs must be kept in an attractive and safe condition. No sign is authorized on City property or in the public right-of-way.

(4) Realty sales or rental property. When a property is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that residence, except in the case of corner lots where one sign per street frontage will be allowed. The sign may not exceed nine square feet on either side. When a commercial property is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that property. The sign may not exceed nine square feet. In the case of all realty sales or rental signs, signs must be kept in an attractive and safe condition and must be removed within seven days of completion of transaction. No sign is authorized on City property or in the public right-of-way, and no directional signs are authorized.

(5) Contractors' signs. One temporary sign per contractor performing services may be displayed on the premises where such services are being performed and only during the performance of such services. The sign shall not exceed nine square feet on either side and shall be removed within two days of completion or cessation of the work. The sign must be kept in an attractive and safe condition and may not be placed on City property or on the public right-of-way.

C. Directional signs. Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit" are prohibited. At the discretion of the Planning Commission, exceptions may be made for public parking lots intended to service a general commercial area rather than an individual business or shopping plaza, as well as cases where the NYS DOT requires such signs in the interest of mitigating potential traffic hazards. In the case of the latter, the content of directional signs shall be limited to traffic management and shall not contain advertising materials or logos.

§179-67. Sign regulations for the OS district.

All signs erected in the Open Space and Conservation District shall be subject to the permitting process in §179-68. The Building and Zoning Administrator shall carefully review the application for a sign permit for compliance with this article, the visual and environmental impacts on the site and adjacent properties, and either issue or deny a sign permit.

§179-68. Procedures for sign permit; sign site plan; fees.

A. In cases where a single sign permit is required for any given property or structure, the following procedure shall be adhered to.

(1) Permit Application. Application for the permit shall be made in writing to the Building and Zoning Administrator upon forms prescribed by and provided by the Building and Zoning Administrator and shall contain the following information:

(a) The name, address and telephone number of the applicant.

(b) Location of buildings, structures or land to which, or upon which, the sign is to be attached or associated.

(c) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the colors, lettering and/or pictorial matter composing the sign; position of lighting and other extraneous devices, and a location plan showing the position of the sign on any building or land and its positioning in relation to nearby buildings, structures or existing signs and to any private or public streets or highway.

(d) Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected in the event that the applicant is not the owner thereof.

(e) A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.

(2) Review of Permit. The Building and Zoning Administrator shall carefully consider the application for compliance with this article and either issue or deny a sign permit. The Building and Zoning Administrator may defer the authority to approve or deny a sign site permit to the Planning Commission at his/her discretion.

(3) Appeals. Should an applicant choose to appeal a decision by the Building and Zoning Administrator to deny issuance of a sign permit, an application for an appeal shall be filled out and submitted along with supporting documents to the Zoning Board of Appeals for action.

B. Sign site plan. In cases where a single property or structure requires more than one sign permit, a sign site plan will be required. All applications for sign site plan approval are to be submitted to the Building and Zoning Administrator on forms provided. The Building and Zoning Administrator shall process all complete applications in accordance with the following procedures:

(1) All sign site plan approval applications to be heard by the Building and Zoning Administrator are hereby classified as "unlisted actions," under Part 617 of the State Environmental Quality Review (SEQR) regulations. All applications for sign site plan approval must be accompanied by a completed short form environmental assessment for unlisted actions.

(2) Upon receipt of a complete application, the Building and Zoning Administrator shall, within 60 days, approve, modify or deny any application for a sign site plan. Any modification or denial of a sign site plan shall be accompanied by a brief statement of the reason for such modification or denial.

(3) The Building and Zoning Administrator may modify a sign site plan application, provided that such modification does not result in the need for any variances from these regulations. All sign site plan modifications must directly relate to the statements of purpose and intent set forth in this local law.

(4) The Building and Zoning Administrator may defer the authority to approve or deny a sign site plan to the Planning Commission at its discretion.

(5) Issuance of sign permit. Once an application has been approved, the Building and Zoning Administrator shall issue a sign permit. Said permit shall be valid for a period of 120 days from the date of issuance. The permit may be extended one time, for a period of 60 days, upon approval of the Building and Zoning Administrator and upon payment of an additional fee, prior to the expiration of the initial 120 day period. If a certificate of sign compliance is not issued within the 120 day period, or if applicable, the renewal period for the sign permit, said sign permit shall expire.

(6) Certificate of sign compliance. Within seven business days after the placement of the approved sign, the applicant shall provide a photograph of the sign to the Building and Zoning Administrator. Upon presentation of the evidence of erection of the sign in compliance with this local law and a sign permit, the Building and Zoning Administrator shall issue a certificate of sign compliance.

(7) Lack of compliance with sign permit. Should the Building and Zoning Administrator, upon inspection, find the sign not in compliance with the sign permit, the applicant shall be so notified by certified mail within ten business days of the inspection. The applicant shall have up to 30 business days from the date of the receipt of the certified mail notification letter to correct the cited deficiencies and to notify the Building and Zoning Administrator of said change(s). In no event shall said additional 30 day period extend the validation period for the sign permit.

C. Fees.

(1) The fees to be paid to the City of Rensselaer for the erection of each sign and for each of the conforming signs now erected are listed on the schedule in the City Clerk's office.

(2) The Building and Zoning Administrator or other designated local official shall issue a permit number for each sign, which shall be kept on file in the Code Enforcement Office.

ARTICLE V. Nonconformities.

§179-69. General guidelines.

A. Purpose. These regulations are enacted for the purposes of governing non-conformity, regardless of whether it is a use, a structure or a lot.

B. Continuation. Except as otherwise specified in this Article, any non-conformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this Article.

§179-70. Non-conforming uses.

A. Changes or modifications. A non-conforming use may be changed to a conforming use pursuant to all applicable provisions of this ordinance. When a non-conforming use has been made conforming, it shall not be made non-conforming again.

B. Discontinuance. Any non-conforming use that has been discontinued for any reason for a period of six consecutive months shall not be re-established as a non-conforming use, and any future use of the property shall be in conformity with this Article.

C. Rental housing as non-conforming uses. A rental house may lose its status as a non-conforming use if the police department or the City's Building and Zoning Administrator confirms that on three or more separate occasions within a nine-month period, civil or criminal citations have been issued at the residence, or the property is considered to be a public nuisance. Multiple citations issued to different people at a single address at the same time shall not be considered "separate occasions." If such a house loses its non-conforming status, it shall no longer be lawful to inhabit the property until the use changes to one that is permitted in that zoning district. In determining whether non-conforming uses shall be terminated, violations of the following shall be considered:

(1) Noise ordinance;

(2) Animal control ordinance;

(3) Housing code;

(4) Nuisance ordinance;

(5) Solid waste ordinance;

(6) Public conduct ordinance;

(7) Parking ordinance or off-street parking requirements as set forth in this Chapter;

§179-71. Non-conforming structures.

Existing buildings may be conforming in use but may not conform to the height, setback, yard, lot area, lot dimension, land coverage, off-street parking, loading or similar dimensional requirements of this chapter.

A. Changes or modifications. Such nonconformities shall not prevent normal maintenance and repair or structural repair as long as maintenance and repair do not increase said nonconformities. Any change or modification to a non-conforming structure, other than to full conformity, shall only be allowed subject to the following:

(1) Such a change or modification should seek to reduce the degree of non-conformity and shall not expand the degree of non-conformity;

(2) Such a change or modification shall not create any new non-conformity; and

(3) Such a change or modification shall be subject to review under the Article VII, Site Plan Review and Approval.

(4) When any portion of a non-conforming structure has been made conforming, it shall not be made non-conforming again.

B. Discontinuance. A non-conforming structure that has been demolished or moved shall not be re-built or relocated in any way other than in full conformance with the provisions of this ordinance. Structures that have been damaged to the extent of more than 50 percent of the assessed value shall only be repaired or rebuilt in conformity with the provisions of this chapter.

§179-72. Non-conforming lots or parcels.

Existing lots or parcels may contain conforming uses and structures but may not conform to the lot dimensions of this chapter. Development may occur on a non-conforming lot or parcel only in the following manner:

A. Existing small lots. Subject to site plan review and approval, existing lots or parcels may be developed for the purposes permitted in the district it is located even though not conforming to the minimum lot size requirements, provided such lot is not less than 2,000 square feet in area with a minimum width and depth dimension of forty feet.

B. Required frontage or access. No land development will be permitted on lots that do not have frontage on a public road or have access to public waters. For existing lots or parcels, development shall be permitted, subject to site plan review and approval, if access to such road or public waters exists by permanent easement or right-of-way of at least twenty-five feet in width.

C. Changes or modifications. Changes and modifications to non-conforming lots are subject to the following requirements:

(1) No change shall be permitted to any non-conforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof.

(2) Any changes proposed on a non-conforming lot are subject to site plan review.

(3) A lot shall be considered non-conforming if there is not sufficient parking, as determined by the standards set forth by district in the Bulk and Use tables.

(4) In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall not be considered to increase the degree of non-conformity.

ARTICLE VI. Site plan review and approval.

§179-73. Purpose and applicability.

A. Purpose. The purpose of this section is to allow for the proper integration into the community of those uses listed in the Bulk and Use Tables of this chapter, which have been determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. The Site Plan Review process intends to:

(1) Promote those qualities in the environment which retain or bring quality to life as well as material value to the community.

(2) Foster the attractiveness and functional utility of the community as a place to live and work.

(3) Preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance.

(4) Protect existing investments in the area.

(5) Encourage, where appropriate, a mix of uses within permissible use zones.

(6) Raise the level of community expectations for the quality of its environment.

(7) Afford the City the ability to accommodate growth resulting from the proposed uses without undue, adverse effect on the City and its citizens and taxpayers.

(8) To protect the health, safety and general welfare of the City and its citizens.

(9) To enforce and uphold the objectives of the City's Comprehensive Plan.

B. Applicability.

(1) All new uses require site plan review.

(2) No zoning, building, use or certificate of occupancy permit shall be issued by the Building and Zoning Administrator for any use listed, nor shall any use be changed in nature or intensity, nor shall any building be erected, moved, structurally altered, added to or enlarged, and no excavation or clearing of the subject site shall begin until a site plan review has been conducted and approved by the Planning Commission in accordance with this article.

(3) Any proposed additions to an existing building or lot or any proposed changes in the use of an existing building or lot that are subject to site plan review may require a public hearing.

(4) The applicant shall be responsible for providing the Planning Commission with detailed drawings, including but not limited to site plans, floor plans, elevations, and color renderings, of the proposed addition or change in the use of an existing building or lot. The contents of these drawings shall be in accordance with the requirements set forth in §179-75(B) of this Chapter and shall be provided in both hard copy and digital format.

(5) Any project which only entails the construction of a fence shall not trigger a site plan review. However, a fence that is erected as part of a new building or an addition to an existing building, or as part of the change in the use of a building, shall be subject to a site plan review.

(6) The Planning Commission may waive stated submittal requirements as identified in this chapter. If the applicant fails to submit sufficient information to the Planning Commission, said application will be deemed incomplete and returned to the applicant.

(7) All construction shall be in accordance with the New York State Code, Rules and Regulations.

(8) The provisions of the State Environmental Quality Review Act (SEQR) shall apply as appropriate for all applications and improvements authorized by this article. Wherever possible, SEQR review shall be integrated into the normal project review, and environmental factors considered in the planning and review of development. The City of Rensselaer Planning Commission may be designated as the lead agency according to all applicable rules and regulations as identified in New York State Environmental Conservation Law §8-0113 and NYCRR Part 617.6.

§179-74. Planning Commission review.

A. Authorization. In accordance with §30-a of the General City Law, the Common Council does hereby authorize the Planning Commission to review and approve with modifications or disapprove site plan documents prepared to specifications set forth in this chapter and in accordance with regulations set forth by the Planning Commission. Such site plan review shall be made of all development required under the terms of this chapter.

B. Application submission and nonreturnable fee. The complete application for site plan review shall be submitted to the Code Enforcement Officer at least 14 working days in advance of a regularly scheduled Planning Commission meeting. A nonreturnable fee as established by the Common Council shall be submitted with the application. Said application shall be on a form provided by the Planning Commission and available in the Code Enforcement office.

C. Building and Zoning Administrator review. The Building and Zoning Administrator will review the application for completeness and notify the applicant if a waiver of document submittal requirements is granted. The Building and Zoning Administrator also has the authority to determine those site plans which are minor in nature and, therefore, do not require review and approval by the City of Rensselaer Planning Commission.

D. Sketch plan conference. A sketch plan conference may be held between the Planning Commission, Building and Zoning Administrator and the applicant at the request of either party to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed:

(1) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof.

(2) A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5 percent or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay

and a topographic map showing contour intervals of not more than two feet of elevation should also be provided.

§179-75. Preliminary site plan approval.

A. Application for preliminary site plan approval. The preliminary site plan application process, as outlined in this section, is not a requirement for site plan approval. The applicant may consult with the Building and Zoning Administrator and/or Planning Commission to determine if this preliminary step is advisable in order to ensure the applicant is adequately prepared to move into the final detailed site plan application process, as outlined in §179-76. Any preliminary application for site plan approval shall be made in writing to the Building and Zoning Administrator and shall be accompanied by 12 hard copies and one electronic copy of the following information, prepared by an engineer, architect, landscape architect or surveyor duly licensed by the State of New York according to each person's particular discipline. Said application shall include drawings needed to define the project, at the discretion of the Building and Zoning Administrator, including but not limited to the following:

(1) Site Plan

(2) Grading Plan

(3) Utilities Plan

(4) Building Plans

(5) Detail Plans

(6) Landscape Plans

(7) Color Renderings

B. Requirements. The drawings to be provided and the information to be identified on each of the drawings is identified below:

(1) Site plan. Requirements for site plans shall be as follows:

(a) The title of the drawing, including the address of the project site(s) and the name and address of the applicant and person responsible for preparing said plan. Project plans that have undergone multiple iterations and submittals to the Planning Commission shall be distinguishable from previous submittals via amendments to the drawing title to denote a new version.

(b) Unless otherwise allowed by the Planning Commission, a scale of one inch equals 50 feet, with two-foot contours showing the topography of the lot and areas within 50 feet of the lot.

(c) A north arrow, scale and most recent date for which the drawings were prepared.

(d) Boundaries of the property and adjoining properties within 200 feet plotted to scale; current zoning classification of property, including the exact zoning boundary, if in more than one district.

(e) Existing watercourses and freshwater wetlands, as identified by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers. (Refer to City of Rensselaer Comprehensive Plan for locations.)

(f) Locations and widths of all ingress, egress and circulatory drives and access points to existing roads and highways; locations of all parking and/or truck loading areas.

(g) Locations and dimensions for pedestrian and bicycle access, along with existing and proposed circulation patterns and stops for local/regional transit service.

(h) Locations for outdoor storage, including refuse, if any.

(i) Locations and dimensions of all existing or proposed site improvements, including drains, culverts, retaining walls, sidewalks and fences.

(j) Locations of all proposed site and building mounted signs.

(k) The location and amount of building area proposed for various uses of the site, including all points of ingress and egress.

(l) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use on the site(s) and property(ies).

(m) Location of vehicle, equipment, and material staging areas, storage and stockpile areas, and other areas to be utilized and disturbed during construction, including the location of portable restroom facilities.

(n) Proposed routes and access points for construction traffic.

(2) Grading plan. Requirements for grading plans shall be as follows:

(a) A grading plan showing existing and proposed contours, including spot elevations along structures and site improvements where appropriate to determine the flow of surface runoff. The inclusion of arrows denoting surface flow direction is also preferred where appropriate.

(b) Line(s) denoting limits of disturbance, clearing, grubbing, and grading as appropriate. Protective fencing for areas and vegetation to be preserved and undisturbed throughout construction shall also be shown.

(c) Documents and plans pursuant to the requirements of the New York State Pollution Discharge Elimination System (SPDES), including a completed Storm Water Pollution Prevention Plan (SWPPP) for Planning Commission review.

(d) Construction management plan and an inspection schedule as required by a licensed Engineer.

(3) Utilities plan. Requirements for utilities plans shall be as follows:

(a) The locations and size of water, sanitary sewer and storm sewer lines and appurtenances and connections to utility services, including all invert and grate elevations. Where possible, the inclusion of arrows denoting the flow of storm and sanitary sewers is preferred.

(b) Locations of fire and other emergency zones, including the location of fire hydrants and building sprinkler system connection points.

(c) Locations of all fuel and energy exploration, generation, transmission, distribution and storage facilities, including but not limited to electricity, natural gas, propane, motor vehicle fuels, and wind, solar and geothermal energy systems.

(d) Locations of outdoor lighting facilities, including the locations of poles, bollards, and building mounted fixtures. Where appropriate and upon request, a photometric plan shall also be prepared and submitted for review and approval by the Planning Commission and Building and Zoning Administrator.

(e) Locations of telephone, cable and other telecommunications devices and facilities.

(4) Building plans. Requirements for building plans shall be as follows:

(a) Floor plans showing the location of all building ingress and egress points.

(b) Elevation plans denoting the type of construction and construction materials, and exterior dimensions of all building elements and facades. Building elevations shall include structures on adjoining lots to indicate the scale and massing of the proposed structure in relation to the neighborhood.

(5) Detail plans. Requirements for detail plans shall be as follows:

(a) The design dimensions and type of construction of all driveways, parking areas and/or loading areas.

(b) The design and construction materials of all proposed site improvements, including drains, culverts, retaining walls and fences.

(c) The design and construction materials to be used for all water and sewer lines and appurtenances.

(d) The design of all fire hydrants.

(e) The design and construction materials of all fuel and energy exploration, generation, transmission, distribution and storage facilities.

(f) The design dimensions, type of construction materials, including illumination, of all proposed signs.

(g) The design and construction, including dimensions, of outdoor lighting facilities and the area of illumination on subject and adjacent properties.

(6) Landscaping plan. Requirements for landscaping plans shall be as follows:

(a) The location and dimensions of proposed buffers, screening and fence areas specifying materials and vegetation; include existing vegetative cover and proposed areas of lawn and groundcover.

(b) A general landscaping plan and planting schedule specifying types and size of vegetation. The size of vegetation at installation and upon maturity shall be noted on the plans.

(7) Required additional information. In addition to the aforementioned drawings, an applicant must submit the following information:

(a) An estimated project construction schedule which includes start-up and completion dates and any interim dates of significance.

(b) State Environmental Quality Review (SEQR) information and forms.

(c) A description of all existing or proposed deed restrictions or covenants applying to the property must be submitted.

C. Standards for approval or disapproval. The Planning Commission's review of the site plan documents shall include, as appropriate, but is not limited to the following general considerations:

(1) The location, arrangement, spacing, massing, height, size, architectural design and general site compatibility of buildings, lighting and signs.

(2) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

(3) The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience and safety.

(4) The location, arrangement, appearance and sufficiency of off-street parking and loading.

(5) The adequacy of stormwater and drainage facilities.

(6) The adequacy of water supply and sewage disposal facilities.

(7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

(8) In the case of an apartment complex, townhouses, condominiums, cooperatives or other multiple dwellings, the adequacy of usable open space for recreation.

(9) The protection, buffering, and/or screening of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable elements of the proposed land use’s performance within the community.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

(11) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(12) The adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.

(13) The structure or structures, to be aesthetically compatible with existing and planned uses of adjacent properties and districts and promote the protection of existing neighborhood character.

(14) Consistency with the City's Comprehensive Plan.

D. Modifications. The Planning Commission may require such additional provisions and conditions that appear necessary for the public health, safety and general welfare, and it may waive, in appropriate circumstances, any of the above requirements which it deems not applicable to a particular application.

E. Action on preliminary application.

(1) Within 62 days of the receipt of a complete application for preliminary site plan approval, the Planning Commission shall hold a public hearing which shall be advertised in a newspaper of general circulation in the City at least five days before its scheduled date. In addition to the public notice of hearing, notice shall be given by first-class mail to all property owners of land immediately adjacent, extending 200 feet from and directly opposite thereto, a property which has a site plan review pending before the Planning Commission, at least five days in advance of the hearing. Additionally, same said notice shall be mailed to property owners of land immediately adjacent, extending 500 feet from and directly opposite thereto, an institutional or municipal boundary of if a special use permit has also been requested.

(2) If no Planning Commission decision is made and noticed to the applicant within 62 days following the hearing, the preliminary site plan shall be considered approved. The Planning Commission's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the decision of the Planning Commission shall be sufficient notice.

(3) The Planning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Commission's statement will contain the reasons for such findings. In such case the Planning Commission may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Commission after it has been revised or redesigned.

F. Compliance with SEQR. The Planning Commission shall not take final action on any site plan proposal until all SEQR requirements have been addressed in accordance with 6 NYCRR Part 617.

§179-76. Final detailed site plan approval.

A. Application.

(1) After receiving conditional approval from the Planning Commission on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the Planning Commission for approval, except that if more than six months has elapsed since the time of the Planning Commission's report on the preliminary site plan or if the Planning Commission finds that conditions have changed significantly in the interim, the Planning Commission may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

(2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. If a landscape plan was not submitted on prior applications, such a plan must be submitted with the application for final approval.

B. Action on the final detailed site plan application.

(1) If the application for final site plan approval is complete and satisfactory, the Planning Commission shall schedule a public hearing to be held within 62 days from the time of submission of the complete application, unless, however, the Planning Commission deems the final site plan to be in substantial agreement with the preliminary plat previously submitted and approved, in which case the public hearing may be waived. The hearing, if required, shall be advertised in a newspaper of general circulation in the City at least five days before its scheduled date. In addition to the public notice of hearing, notice shall be given by first-class mail to all property owners of land immediately adjacent, extending 200 feet from and directly opposite thereto, a property which has a site plan review pending before the Planning Commission, at least five days in advance of the hearing.

(2) Upon approving an application, the Planning Commission shall prepare a written decision on an application for site plan review and shall have such decision immediately filed in the office of the City Clerk and the Building and Zoning Administrator and a copy thereof mailed to the applicant. The Building and Zoning Administrator shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.

(3) Upon disapproving an application, the Planning Commission shall so inform the Building and Zoning Administrator, and he shall deny a building permit to the applicant. The Planning Commission shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

§179-77. Expiration of site plan approval.

A. Termination.

(1) Such site plan approval will automatically terminate one year after the same is granted unless a building permit has been issued and significant work has been commenced on the project. Building permits shall expire one year after the same is granted.

(2) Such site plan approval may be terminated for cause at any time after 10 days' written notice to the applicant.

(3) Such site plan approval will terminate if a property remains vacant for more than one year.

B. Extension.

(1) An applicant can file for an extension of site plan approval for the period of six months upon the approval of the Planning Commission and Building and Zoning Administrator.

§179-78. Miscellaneous.

A. Administration and inspections. The provisions of this article shall be administered and enforced by the Building and Zoning Administrator, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this article. No zoning permit or certificate of occupancy required hereunder shall be issued by the Building and Zoning Administrator except after compliance with the provisions of this article.

B. Changes to drawings.

(1) No site plan drawings approved by the Planning Commission shall be changed, modified or altered in any way until the Building and Zoning Administrator reviews said proposed change, modification or alteration. The property owner shall submit to the Building and Zoning Administrator an application requesting a modification to an approved site plan. Said application shall outline the details of the proposed changes, the reasons for the proposed changes and the possible impacts of the proposed changes. If the Building and Zoning Administrator determines that a proposed change, modification or alteration is minor, he or she shall approve, approve with conditions, or disapprove of said change. If the Building and Zoning Administrator determines that the proposed change, modification or alteration of a final site plan drawing is significant, he or she shall not take any action and shall direct the property owners to obtain written approval from the Planning Commission.

(2) The Planning Commission may schedule and hold a public hearing on any proposed changes to approved site plan drawings under conditions outlined in his section. Any proposed changes to approved site plan drawings shall be reviewed by the Planning Commission within 30 calendar days of the receipt of a complete application by the Building and Zoning Administrator. The Planning Commission shall approve, approve with modifications or disapprove the request for said changes. Failure of the Planning Commission to act on such matter within 30 days shall constitute conditional approval of said changes. The Planning Commission may, however, table such request for changes to site plan drawings if the Planning Commission feels that the applicant has not provided sufficient information regarding the changes being proposed.

C. Performance guaranties. With site plans that involve removal of topsoil, grading and/or excavating, a performance bond, letter of credit or some other form of surety acceptable to the City Attorney shall be required to ensure that site plan work is completed. No certificate of occupancy shall be issued until all improvements shown on the site plan drawings are installed or a sufficient performance guaranty has been posted for improvements not yet complete.

ARTICLE VII. Subdivision of Land

§179-79. Variances.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, the Planning Commission shall have the power to vary or modify the application of any of the requirements herein relating to the use, layout and platting of land for subdivisions, so that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done.

§179-80. Plats.

A. Application; plat layouts to be filed. Whenever any subdivision of land as hereinbefore defined is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, the subdividing owner thereof or his agent shall apply in writing to the Planning Commission for approval of such subdivision. He shall first file with the Planning Commission a preliminary layout and subsequently a formal plat as hereinafter specified, 12 copies of each.

B. Preapplication procedure. Prior to the filing of an application for conditional approval of the preliminary layout, the subdivider may submit general site information, a location map and a sketch plan with a request for informal consideration and advice. This step does not require a formal application, fee or the filing of a plat. The purpose of pre-application procedure is to afford the subdivider an opportunity to consult early and informally with the Planning Commission, a qualified Engineer retained by the City, and Board of Public Service before preparation of the preliminary layout in order to save time and money and to make the most of opportunities for desirable development.

C. Preapplication plans and data; contents.

(1) General site information. General site information shall describe or outline the existing conditions of the site and the proposed development to the extent necessary to supplement the location map and sketch plan. Information may be required on existing covenants, land characteristics, available community facilities and utilities and information describing the subdivision proposal, such as the number of residential lots, typical lot width and depth, business areas, playgrounds, parks and other public areas, proposed protective covenants and proposed utilities and street improvements.

(2) Sketch plan. Sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan should include either the existing topographic data listed in Subsection E or such of these data as the Planning Commission may require for its consideration of the proposed sketch plan, as well as scale, North point and date.

D. Preliminary layout.

(1) Preparation, filing. On reaching conclusions regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary layout, together with improvement plans and other supplementary material as specified in Subsection E. Twelve copies of the preliminary layout and required supplementary material shall be submitted to the Planning Commission with written application for conditional approval at least 14 working days prior to a regularly scheduled meeting. Copies shall be referred by the Planning Commission to a qualified Engineer and Board of Public Service for study and recommendation.

(2) Action on preliminary layout. Following review of the preliminary layout and other material submitted therewith, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him in accordance with the requirements of Subsections E and H, the Planning Commission shall act thereon as submitted or as modified. The City Engineer and the Board of Public Service shall first approve the application and so advise the Planning Commission within 45 days after filing. If the preliminary layout is approved, the Planning Commission shall note its approval as "conditional approval" and state the specific conditions of such approval, if any. If the preliminary layout is disapproved, the Planning Commission shall state the reasons for its disapproval.

(3) Notation of action. The action of the Planning Commission shall be noted on two copies of the preliminary layout, to which shall be attached referenced statements of any conditions and requirements determined by the Planning Commission in accordance with the regulations. One copy shall be filed in the office of the City Engineer and the other returned to the applicant.

E. Required information in preliminary layout.

(1) Existing conditions data. Existing conditions data shall include the following, except when otherwise specified by the Planning Commission:

(a) Key plan: show location and boundaries of tract.

(b) Property lines and easements: location, width and purpose of easements; existing platting if a re-subdividing project.

(c) Streets on and adjacent to the tract, including all streets shown in the Official Map: name and right-of-way width and location; type, width and elevation of surfacing; established center line elevations; walks, curbs, gutters, bridges, culverts, etc.

(d) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary sewers, storm sewers, culverts, ditches or other facilities for drainage; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and approximate distance to and size of nearest ones, showing invert elevation of sewers or culverts. Where drainage is to be a natural watercourse or drainage ditch, the elevation of water in such watercourse or ditch at a recognized flood stage shall be shown.

(e) Ground elevations on the tract: based on a datum plane approved by the engineer (USGS recommended) for land that slopes less than approximately 2 percent, show spot elevations at all breaks in grade, along all drainage channels or swales and at selected points, not more than 100 feet apart in all directions; for land that slopes more than approximately 2 percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings when special problems warrant.

(f) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater, unless test pits are dry at a depth of five feet.

(g) Other conditions on the tract: watercourses, wetlands, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, other structures and other significant features.

(h) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; power lines, towers; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, filing date and number.

(2) Land title and survey. Land title and survey shall include a deed description according to official records; the names and addresses of record owners; a map of survey of tract boundary (including all pertinent bearings and distances) made and certified by a registered land surveyor, tied into established city reference points; notation stating acreage, scale, North point, bench marks and date of survey.

(3) Preliminary plan. The preliminary subdivision plan shall be at a scale of not less than 200 feet to the inch (preferred scale: one inch equals 100 feet). It shall show or be accompanied by existing conditions data required in subsection A and shall show all proposals, including the following:

(a) Streets: name, right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any.

(b) Other rights-of-way or easements: location, width and purpose.

(c) Utilities: location of utilities if not shown on other exhibits.

(d) Lots: lot lines, lot numbers and block numbers.

(e) Public uses: sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

(f) Nonpublic uses: sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single family dwellings.

(g) Site data: include number of residential lots, typical lot size and acres in parks, etc.

(h) Names: subdivision name or title under which to be eventually filed, also scale, North point, date and name and address of subdivider and designer, if any.

(4) Other preliminary plans.

(a) When required by the Planning Commission, the preliminary layout should include profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway and sidewalks; preliminary designs of any bridges and culverts which may be required; preliminary plan of proposed water mains to connect with existing public water supply; preliminary plan of proposed sewers (with grades and sizes indicated) connecting with existing sanitary sewerage systems; preliminary plan for collecting and discharging storm drainage.

(b) All elevations shall be based on a datum plane approved by the engineer.

(5) Protective covenants. Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development shall be included.

F. Performance bond and filing fee with preliminary layout.

(1) A performance bond in the amount of 50 percent of the amount determined by a qualified Engineer's estimate of the cost of improvement for water lines, sanitary sewers, storm sewers, drainage inlets, manholes, street grading, street paving, curbs, sidewalks or other items as may be required in fulfillment of the requirements of this chapter shall be required to be filed with the preliminary layout plan with the City Clerk, binding the owner to the city, to install and complete the subdivision in accordance with the filed plans and provisions of this chapter.

(2) A filing fee in an amount to be established by the Common Council of the City of Rensselaer by resolution from time to time per lot shall be paid the City Clerk when the preliminary layout is filed in the Clerk's office for the conditional approval of the Planning Commission.

G. Procedure for final approval.

(1) Plat to conform to preliminary layout. The final subdivision plat shall conform substantially to the preliminary layout as approved. If desired by the subdivider, it may constitute only that portion of the approved preliminary layout which he proposes to record and develop at the time, provided that such portion conforms to all requirements of these and other local, state and federal regulations.

(2) Time for filing final plat. Application for approval of the subdivision plat shall be submitted in writing to the Planning Commission at least 14 working days prior to the meeting at which it is to be considered and shall include 12 copies of the plat and other exhibits required for approval. Such application shall be submitted within six months after approval of the preliminary layout; otherwise such preliminary approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

(3) Action by Planning Commission. The Planning Commission shall submit the final plat to a qualified Engineer and the Board of Public Service for examination. After receiving the approval of a qualified Engineer and of the Board of Public Service, the Planning Commission shall approve, modify and approve or disapprove such plat within 45 days after the application for final approval was filed. Failure of the Planning Commission to take any action within such 45 days shall be deemed to be approval of the plat, and the City Clerk shall upon demand issue a certificate as provided in General City Law §32. Approval, however, shall not be deemed final until the subdivider has complied with the provisions of Subsection H with respect to certification that the required improvements have been completed or bond satisfactory to the Common Council has been posted in lieu thereof.

(4) Offers of cession to be tendered. The subdivider will be required to tender offers of cession in a form certified as satisfactory by the City Attorney of all land included in streets, parks or other public areas not specifically reserved by him, but approval of the plat by the Planning Commission does not constitute an acceptance by the city of the dedication of these facilities.

(5) City Clerk's duties.

(a) After the completion of the foregoing details and notation to that effect upon the application, the plat shall be signed by the City Clerk and shall be deemed to have final approval.

(b) The City Clerk shall file with the Clerk of Rensselaer County a certificate showing that the Planning Commission has been authorized to approve plats pursuant to Article 3 of the General City Law.

(6) Filing in County Clerk's office. Within 90 days thereafter, the owner shall file the approved plat in the office of the County Clerk of Rensselaer County otherwise such approval shall expire.

H. Final subdivision plat.

(1) Specifications. The final subdivision plat shall be drawn with pen and India ink on tracing cloth on sheets either 20 inches by 20 inches or 20 inches by 40 inches. The scale shall be 40 feet to the inch with vertical scale five feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in continuous sections satisfactory to the Planning Commission. It shall be prepared by a licensed land surveyor and his seal shall be affixed before filing with the City Clerk.

(2) Required information. The final plat shall show the following:

(a) Control points: primary control points, approved by the engineer, or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

(b) Boundaries: tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii arcs and central angles of all curves.

(c) Right-of-way: name and right-of-way width of each street or other right-of-way.

(d) Easements: location, dimensions and purposes of any easements.

(e) Identification system: number to identify each lot or site in numerical order within block; letter to identify each block.

(f) Purpose of reserved sites: purpose for which sites other than residential lots are dedicated or reserved.

(g) Monuments, bench marks: location and description of monuments (shown thus: "X"), lot corner markers (shown thus: "O") and bench marks (shown thus: "BM").

(h) Owners of adjoining unplatted land: names of record owners of adjoining unplatted land.

(i) Adjoining recorded subdivisions: reference to recorded subdivision plats of adjoining platted land by record name, date and number.

(j) Certification by surveyor: certification by registered land surveyor, including name, address, New York State license number and seal, certifying to accuracy of survey and plat.

(k) Certification of title: certification of title showing that applicant is the landowner or optionee.

(l) Water and sewage disposal requirements. Where any water or sewer line, water plant or sewage treatment plant is to be installed by developer, detailed engineering drawings and specifications must be submitted.

(m) Engineering and legal requirements.

[1] Title, scale, North point and date shall be indicated on the plat.

[2] Cross sections and profiles of streets, drains and sewers showing grades approved by a qualified Engineer. The profiles shall be drawn to standard scales and elevations and shall be based on a datum plane approved by the engineer (USGS recommended). The same must be prepared by a licensed professional engineer (PE) in the event construction cost exceeds $10,000.

[3] Statement by a qualified Engineer certifying that the subdivider has complied with one of the following alternatives shall be required:

[a] All required improvements have been installed in accordance with these regulations and the requirements of the Planning Commission giving conditional approval of the preliminary layout; or

[b] A bond or certified check has been posted, which is available to the city and in sufficient amount to assure such completion of all required improvements.

[c] Offers of cession by dedicating streets, rights-of-way and any sites for public use, and agreements covering the improvement and maintenance of unceded public places and the conditions and time limits, if any, applying to site reservations shall be submitted with the final subdivision plat.

[d] Statement by the City Attorney approving as to legal sufficiency all offers of cession, all covenants governing the maintenance of unceded public open space, and any action taken to establish or extend water and/or sewer facilities; also approving the sufficiency of any bond offered in lieu of the completion of required subdivision improvements.

[e] Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations.

(n) Other requirements. Such other certificates, affidavits, endorsements or other agreements as may be required by the Planning Commission in the enforcement of these regulations. In special cases where there are potential hazards of flooding, landslides or other hazards in the opinion of the City Engineer, the city may require the services of an independent engineer or expert to recommend conditions under which the subdivision may be approved. The expense of such engineer or expert shall be borne by the subdivider.

§179-81. Design standards.

A. Streets

(1) Generally. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public conveniences and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

(2) Streets not shown in Master Plan. Where not shown in the Master Plan, streets in a subdivision shall:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of or conformance with existing streets impracticable.

(3) Right-of-way for railroads, highways. Where a subdivision borders on or contains a railroad right-of-way or controlled access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side right-of-way, at a distance suitable for the appropriate of such use of the intervening land, as for park purposes in residential districts or for business, commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(4) Reserve strips. Reserve strips controlling access to streets, water plants or sewage treatment plants, or to other land dedicated or to be dedicated to public use, shall be prohibited, except where their control is placed in the city under conditions approved by the Common Council.

(5) Street jogs. Street jogs with center line offsets of less than 125 feet shall be avoided.

(6) Tangents. A tangent at least 100 feet long shall be introduced for reverse curves on arterial and collector streets.

(7) Angles of intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75°. The Planning Commission may waive this requirement if adequate channelizing or divisional islands are provided to ensure traffic safety.

(8) Property lines at intersections. Property lines at street intersections shall be rounded with a radius of 10 feet or with a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cutoffs or chords in place of rounded corners.

(9) Curb radii. Curb radii at intersections shall be not less than 20 feet.

(10) Street right-of-way widths. Street right-of-way widths shall be as shown in the Master Plan, and where not shown thereon shall be not less than as follows:

Street Type	Minimum Right-of-Way Width (feet)
Arterial	80, not including right-of-way for marginal access streets, if any
Collector	60
Minor	50
Marginal access	40

(11) Half-streets. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, in which case the other half of the street shall be platted within such tract.

(12) Dead-end streets. Dead-end streets are discouraged. However, if the applicant can demonstrate no viable physical option for connection to existing street networks, a dead-end street shall be permitted, provided that it is not longer than 600 feet. The terminus of such street shall provide a turnaround of sufficient configuration to permit navigation by emergency services.

(13) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Common Council.

(14) Maximum street grades. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves and not with less than 200 feet between changes of grade:

Street Type	Maximum Percentage Grade
Arterial	4
Collector	8
Minor	12
Marginal access	8

(15) Minimum street grades. In order to facilitate drainage, no street grade shall be less than 2 percent when possible, but in no event less than 1 percent.

(16) Alleys.

(a) Generally. Alleys may be required in commercial and industrial zones of the city and other definite and assured provisions made for service access, such as off-street loading, unloading and parking consistent with and adequate for the proposed usage of the property and the same made when required.

(b) Width. The width of an alley, if required, shall not be less than 20 feet.

(c) Dead-end alleys. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turnaround facilities at the closed end, as required by the Planning Commission.

B. Blocks.

(1) Length. Block lengths generally shall not exceed 1,600 feet, nor be less than 400 feet. Block widths shall not be less than 250 feet.

(2) Intersections with arterial streets. Pedestrian crosswalk rights-of-way not less than 10 feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

C. Lots.

(1) Conformity to Chapter 300, Zoning, of the Code of the City of Rensselaer; lot size. The area, width and the minimum building setback lines shall-conform to the requirements of Chapter 179, Zoning.

(2) Depth and width of properties reserved or laid out for business, commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by Chapter 179, Zoning.

(3) Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard. See also Chapter 105, Flood Damage Prevention.

(4) Access. The subdivision of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

(5) Side lot lines. Side lot lines shall be substantially at right angles or radial to street lines.

(6) Parcels larger than normal lots. Where a tract is subdivided into parcels larger than normal building lots, such parcels shall be planned to permit the opening of future streets and logical further resubdivision.

D. Easements.

(1) Utilities. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary so that the underground installation of such utilities may be made.

(2) Watercourses, drainage. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose, unless adequate alternate methods of drainage shall be provided and approved.

E. Public sites and open spaces.

(1) Authority of the Planning Commission. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, the Planning Commission may require the dedication or reservation of areas or sites of a character, extent and location suitable to the needs created by such development for a park or parks, playground or other recreational uses.

(2) Purchases of sites. Where a proposed park, playground or other recreational or public site shown in the Master Plan is located in whole or in part in a subdivision, the Planning Commission shall request the appropriate local authority to negotiate for the outright purchase of necessary sites in accordance with the Master Plan.

F. Recreation site fees in lieu of dedication of land.

(1) Authorized amount. In lieu of, or in addition to, the dedication or reservation of areas or sites for playgrounds or other recreational uses, the Planning Commission may require the payment of a playground or recreational site fee which shall be established from time to time by resolution by the Common Council of the City of Rensselaer per lot where appropriate conditions require.

(2) Payment, disposition. Such fee shall be paid to the City Clerk prior to the approval of the final plat.

§179-82. Improvements.

A. Monuments, markers and bench marks.

(1) Placement of monuments; specifications.

(a) Monuments shall be placed at points of change in alignment, block corners, angle points and at such intermediate points as approved by the City Engineer and as directed by the Planning Commission. Plats submitted for filing shall show monuments certified as having been placed by a licensed land surveyor, and the same shall bear the signature and seal of a licensed land surveyor.

(b) The monuments shall be of granite six inches square, imbedded in concrete to a depth of four feet or of metal, with a brass top, imbedded at a depth of four feet, level with the ground area.

(2) Survey required. As buildings are completed and surveyed, a copy of survey shall be furnished to the Engineering Department, which said survey shall bear the signature and seal of a licensed land surveyor.

(3) Bench mark required. For all developments of 12 lots or more a permanent bench shall be established referenced to USGS and tied to the elevations shown on all plans, subject to the approval of the City Engineer.

B. Utility and street improvements.

Utility and street improvements when required in each subdivision shall be in accordance with the standards and specifications established by the City of Rensselaer.

C. Installation, costs and dedication.

(1) Generally. Water, sewer, subsurface drainage, storm drainage, grading, paving, curbs, streets, sidewalks and all other necessary improvements shall be made by the owner and developer of the subdivision and shall conform to the standards set forth in this chapter. All improvements above set forth shall be made subject to the direction, control and approval of the City Engineer and Board of Public Service.

(2) Cost. The cost of sewers, water lines, subsurface drainage, grading, paving, curbs, streets, sidewalks, storm drainage and other necessary improvements shall be wholly borne by the owner and developer of the subdivision, unless the Common Council, by appropriate action shall determine and provide otherwise.

(3) Dedication and conveyance. In the event that sewers, water lines, subsurface drainage, storm drainage, streets, curbs, sidewalks, lights and other improvements are dedicated to and conveyed to the city after their installation, the same must conform to the standards set forth in this chapter before acceptance by the city, and the conveyance thereof shall be at no cost to the city except for agreement for future maintenance.

§179-83. Penalties for offenses.

Any person violating any provision of this chapter shall be subject to the same penalty, forfeiture, imprisonment and other procedure as provided in Article VIII, “Administration and Enforcement.”

ARTICLE VIII. Administration and Enforcement.

§179-84. Building and Zoning Administrator.

The Building and Zoning Administrator shall administer and enforce all provisions of this local law except where specified otherwise. The Building and Zoning Administrator shall be assisted by such officers and employees as may be determined by the Common Council.

A. Powers and duties. In addition to any other authority conferred by law and within this Local Law, the Building and Zoning Administrator shall have the following powers and duties:

(1) Issuance of building permits. No building or structure shall be erected, altered, reconstructed or enlarged until the Building and Zoning Administrator has issued a building permit stating that the proposed use and structure comply fully with all applicable provisions of this Local Law. In addition, no building permit shall be issued for any building where site plan of such building is subject to approval by the Planning Commission unless and until such approval has been duly granted by the Planning Commission.

(2) Issuance of certificates of occupancy. No use shall be established or land or structure occupied, nor shall any existing use of land be changed until the Building and Zoning Administrator has issued a Certificate of Occupancy stating that the use, land and structure comply with all applicable provisions of this Local Law. More particularly, no Certificate of Occupancy shall be issued for any special use of a building of land requiring special permit approval by the Planning Commission unless and until such special permit or site plan approval has been granted by the Planning Commission. Every Certificate of Occupancy for which special permit or site plan approval has been granted, or in connection with which a variance has been granted by the Board of Appeals, shall contain a detailed statement of any condition to which the same is subject, and shall include, by attachment, a copy of such Board of Appeals decision.

(3) Issuance of notices of violation. Whenever, in the opinion of the Building and Zoning Administrator, after proper examination and inspection, there appears to exist a violation of any provision of this Local Law, or of any rule or regulation adopted pursuant thereto, he shall serve a written notice upon the appropriate person responsible for such alleged violation. Such notices shall be served in accordance with the requirements of §179-86 herein.

(4) Issuance of stop work orders. Whenever the Building and Zoning Administrator has reasonable grounds to believe that work on any building, structure or any use of land is occurring in violation of the provisions of this Local Law, not in conformity with any application made, permit granted or other approval issued, or in an unsafe or dangerous manner, the Building and Zoning Administrator shall promptly notify the appropriate person responsible to suspend the work on any such building or structure or the use of any such land. Such persons shall forthwith suspend such activity until the stop work order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed, and shall be served upon the persons to whom it is directed.

(5) Emergency action. If, in the opinion of the Building and Zoning Administrator, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, morals or welfare of occupants of a building or to other persons, the Building and Zoning Administrator may direct such violation immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by

the owner, occupant or person responsible for the violation. The Building and Zoning Administrator shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses, or place a lien against property, in order to recover said costs.

§179-85. Zoning Board of Appeals.

A. Creation, appointment and organization. A zoning Board of Appeals is hereby created in accordance with Section 81 of the General City Law. Said Board shall consist of seven members, appointed by the Mayor for a term of three years and subject to removal for cause after public hearing. The mayor shall designate the Chairman of the Board of Appeals, while the Board of Appeals shall designated its Secretary and shall prescribe reasonable rules for the conduct of its affairs.

B. Powers and duties. The Board of Appeals shall have all the powers and duties prescribed by law and this Local Law, which are specified below:

(1) Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official, or on request by an official, board or agency of the City, to decide any of the following questions:

(a) Determination of the meaning of any portion of the text of this Local Law or of any conditions or requirement specified or made under the provisions of this Local Law.

(b) Determination of the exact location of any district boundary shown on the Zoning Map.

(2) Variances**.** To authorize, upon appeal in specific cases, such variances from the terms of this Local Law as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are unnecessary hardships or practical difficulties in the way of carrying out of the strict letter of this Local Law subject to terms and conditions to be fixed by the Board; provided, however, that no such variance shall be granted unless the Board finds:

(a) That there are physical conditions, such as the case of any exceptionally irregular, narrow, shallow or steep lot, fully described in the findings of the Board, applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title;

(b) That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Local Law would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

(c) That the granting of the variance under such conditions as the Board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this Local Law, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof, and will not be otherwise detrimental to the public welfare.

C. Procedure. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and this Local Law.

(1) Meetings. Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine. A quorum shall consist of four (4) members, but in order to reverse a decision of the enforcement official or authorize a variance, an affirmative vote of at least four (4) members shall be required. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and shall keep records of its examinations and other official actions.

(2) Application and fee. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and shall be accompanied by a fee of forty dollars ($40.00). Every appeal or application shall refer to the specific provisions of this Local Law that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that such variance should be granted.

(3) Public notice and hearing. The Board shall fix a time and place for a public hearing on any such appeal or application, and shall provide notice as follows:

(a) By publishing at least ten (10) calendar days prior to the date thereof a notice in the official newspaper of the City.

(b) By requiring the Director of Planning and Development to give notice at least five (5) days prior to the date there of the substance of every appeal for a variance together with a notice of hearing thereon by mailing such to the owners of all property abutting that held by the applicant and all other owners within two hundred (200) feet, or such additional distances as the Board of Appeals may deem advisable, from the boundaries of the land involved in such appeal. Compliance with this notification procedure shall be certified to by the Director of Planning and Development.

(i) The names of owners notified shall be taken as such appear on the last completed tax roll of the City.

(ii) Provided that there shall have been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with granting or denying of an appeal for a variance.

(c) By requiring the Secretary of the Board of Appeals to transmit to the Secretary of the Planning Commission a copy of the notice of such hearing at least twenty (20) calendar days prior to the date thereof. The Board of Appeals shall request that the Planning Commission submit to the Board of Appeals an advisory opinion prior to the date of such hearing. Upon failure of the Planning Commission to submit such report, said Commission shall be deemed to have recommended approval of the application or appeal.

(d) If the land involved in the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of such public hearing.

(4) Required referral. A full statement of any appeal that meets the referral requirements of sections 239 (1) and (m) of the General Municipal Law shall also be referred to the Rensselaer County Bureau of planning for its review. No action shall be taken by the Board of Appeals on such

appeal until an advisory recommendation has been received from the Bureau of Planning or thirty (30) calendar days have elapsed since the Bureau received such full statement.

(5) Decisions. Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the City Clerk within ten (10) calendar days thereof. The Board shall notify the Building and Zoning Administrator, the Secretary of the Planning Commission, and the Municipal Clerk of any affected municipality given notice of hearing of its decision in each case.

(6) Attachment of conditions. In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this Local Law, it shall be the duty of such Board to attach conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Local Law.

(7) Expiration of Approval. Unless construction or use is commenced and diligently pursued within six (6) months of the date of the granting of a variance, such variance shall become null and void.

(8) Strict Construction. All the provisions of this Local Law relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this Local Law and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this Local Law have been substantially observed no applicant or appellant shall be deprived of the right of application or appeal.

§179-86. Violations; notice; hearing.

A. Notice of violations. Whenever in the opinion of the Building and Zoning Administrator, after proper examination and inspection, there appears to exist a violation of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, he shall serve a written notice of violation upon the owner or occupant of the premises. Such notice of violation shall inform the recipient of:

(1) The nature and details of such violation.

(2) Recommend remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(3) The date of compliance by which the violation must be remedied or removed.

(4) The right to a hearing before the Building and Zoning Administrator in accordance with Subsection C of this section.

B. Extension. The Building and Zoning Administrator may extend the date of compliance in a notice of violation after written application, if in his opinion there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

C. Request for hearing. Any person served with a notice of violation in accordance with Subsection A and who denies the violation or is allegedly aggrieved by the required action necessary for compliance may within 10 days after service of notice make a request in writing for a hearing before the Building and Zoning Administrator stating the reasons why such a hearing is requested.

D. Abeyance. Compliance with a notice of violation shall not be required while a hearing is pending.

E. Hearing. The Building and Zoning Administrator shall acknowledge receipt in writing and set a time and place for such hearing, not later than 30 days after date request was received. Hearings may be postponed beyond 30 days by the City Engineer for just cause, and notice of postponement shall be served. The person requesting the hearing shall be required to show cause or give evidence why he should not be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.

F. Findings. After consideration of all testimony given at the hearing held in accordance with Subsection E of this section, the Building and Zoning Administrator shall sustain, withdraw or modify the notice of violation as originally served. If such notice is sustained or modified, the Building and Zoning Administrator shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original notice of violation or modified remedial action specified at the hearing.

G. Certificate of zoning compliance. On re-inspection following the expiration of the date of compliance as specified in the notice of violation, if the violation has been remedied or removed in accordance with the specified remedial action and there is no longer a violation of any provision of this chapter, then a certificate of zoning compliance shall be issued by the Building and Zoning Administrator.

H. Legal action by the City for noncompliance. On re-inspection following the expiration of the date of compliance, as specified in the notice of violation or as extended in accordance with Subsection B of this section, if the remedial action specified has not been carried out and there is still in existence, in the opinion of the Building and Zoning Administrator, a violation of provisions of this chapter, then the Building and Zoning Administrator shall immediately refer the matter to the City Attorney who shall thereupon institute appropriate legal action to restrain, prevent, enjoin, abate, remedy or remove such violation and to take whatever other legal action is necessary to compel compliance with this chapter.

I. Failure to apply for building permit or certificate of occupancy. See Chapters [reference city code].

§179-87. Penalties for offenses.

Any owner, tenant, or occupant of any building or land who commits, participates in, assists, directs, creates or maintains any situation that is in violation of the terms and provisions of this Ordinance may be issued a citation by the Building and Zoning Administrator

A. Penalties.

(1) Each day a zoning violation remains uncorrected constitutes a distinct and separate zoning violation subject to additional citation and fine in the amount outlined as follows:

First Citation	Monetary fine no less than $50.00.
Second Citation	Minimum $100.00 per day.
Third Citation	Minimum $200.00 per day.
Each Additional Citation	Not to exceed $300.00 increase in the previously assessed fine. Maximum monetary fine for each citation not to exceed $2,500.00.

(2) Provisions of this chapter may be enforced through equitable remedies issued by the Building and Zoning Administrator or a court of competent jurisdiction.

B. Remedies. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. Other administrative remedies may include:

(1) Cease and desist orders. The Building and Zoning Administrator shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.

(2) Permit issuance. No building permit or special use permit shall be issued by the City for any purpose except in compliance with the provisions of this chapter and other applicable chapters and laws.

(3) Permit revocation. The City may revoke a building permit or special use permit in those cases where determination has been duly made that false statements or misrepresentations existed as to material fact in the application or plans upon which the permit or certificate was based.

(4) Permit suspension. The City may suspend a building permit or special use permit in those cases where determination has been duly made that an error or omission on either the part of the permit, applicant or government agency existed in the issuance of the permit or certificate approval. A new permit or certificate may be issued in place of the suspended permit or certificate after correction of the error or omission.

(5) Notice and appeal. All City decisions concerning the issuance, revocation, or suspension of a building or special use permit as well as decisions pertaining to administrative interpretations of the chapter shall be stated in official written notice to the permit applicant. Any decision may be appealed to the Zoning Board of Appeals.

§179-88. Amendments.

A. Authority. The Common Council may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement, repeal or change the regulations and districts established under this chapter.

B. Referral to Planning Commission. Every proposed amendment or change initiated by the Common Council or by petition shall be referred to the City of Rensselaer Planning Commission for report thereon before the public hearing required by law. In recommending the adoption of any such proposed amendment, the Planning Commission may state its reasons for such recommendation, describing any conditions that it believes make the amendment advisable, and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of Land Use for the City, and be in furtherance of the purposes set forth in §179-2 of this chapter. In recommending the rejection or revision of any proposed amendment or change, the Planning Commission may similarly state its reasons. Failure on the part of the Commission to report its recommendations with respect to any proposed amendment or change to the Common Council within 45 days after the date of referral shall be deemed to be approval thereof, unless such proceedings have theretofore been terminated.

C. Referral to County Planning Commission. The City Clerk shall promptly transmit to the Rensselaer County Planning Commission any matters required to be referred pursuant to the provisions of §239-l and §239-m of the General Municipal Law. The City Clerk shall consult with the Building and Zoning Administrator in determining whether any such matter is legally required to be so transmitted.

§179-89. Expiration of variances and site plan approvals.

A. Variances.

(1) When an area variance is granted by the Zoning Board of Appeals, which enables an applicant to do construction which requires a building permit, or a use variance is granted by the Zoning Board of Appeals and construction which requires a building permit is necessary for conversion to the use for which the variance is granted, and the applicant has not obtained a building permit to construct the building or part thereof for which the variance has been granted and initiated the construction work within two years from the date of the granting of the variance, said variance shall become void.

(2) When an area variance is granted by the Zoning Board of Appeals, which enables an applicant to do construction which requires a building permit, or a use variance is granted by the Zoning Board of Appeals and construction which requires a building permit is necessary for conversion to the use for which the variance is granted and a building permit to construct the building or part thereof for which the variance has been granted has been obtained, and the construction has not been substantially completed prior to the expiration of the building permit, said variance shall become void.

B. Site plan approvals.

(1) When a site plan approval is granted by the Planning Commission, which enables an applicant to do construction which requires a building permit, or a site plan approval is granted by the Planning Commission and construction which requires a building permit is necessary for conversion to the use for which the site plan approval is granted, and the applicant has not obtained a building permit to construct the building or part thereof for which the site plan approval has been granted and initiated the construction work within two years from the date of the granting of the site plan approval, said site plan approval shall become void.

(2) When a site plan approval is granted by the Planning Commission, which enables an applicant to do construction which requires a building permit, or a site plan approval is granted by the Planning Commission and construction which requires a building permit is necessary for conversion to the use for which the site plan approval is granted and a building permit to construct the building or part thereof for which the site plan approval has been granted has been obtained, and the construction has not been substantially completed prior to the expiration of the building permit, said site plan approval shall become void.

ARTICLE IX. Reserved.